

# EXHIBIT 1

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARVEL WORLDWIDE, INC., )  
MARVEL CHARACTERS, INC. and )  
MVL RIGHTS, LLC, )  
PLAINTIFFS, )  
VS. ) NO. 10-141-CMKF  
LISA R. KIRBY, BARBARA J. KIRBY, )  
NEAL L. KIRBY and SUSAN N. KIRBY, )  
DEFENDANTS. )  
\_\_\_\_\_)

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER  
VIDEOTAPED DEPOSITION OF STAN LEE  
LOS ANGELES, CALIFORNIA  
MAY 13, 2010

REPORTED BY:  
CHRISTY A. CANNARIATO, CSR #7954, RPR, CRR, CLR  
JOB NO.: 30189

Confidential Pursuant to Protective Order

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3

4 MARVEL WORLDWIDE, INC., )  
MARVEL CHARACTERS, INC., )  
5 and MVL RIGHTS, LLC, )

6 Plaintiffs, )

7 vs. )

Case No. 10-141-CMKF

8 LISA R. KIRBY, BARBARA J. )  
KIRBY, NEAL L. KIRBY and )  
9 SUSAN N. KIRBY, )

10 Defendants. )  
\_\_\_\_\_ )

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12  
13  
14  
15 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

16 VOLUME II

17 DEPOSITION OF STAN LEE

18 LOS ANGELES, CALIFORNIA

19 WEDNESDAY, DECEMBER 8, 2010  
20  
21  
22  
23

REPORTED BY:

24 Alejandria E. Kate

CSR NO. 11897, HI 448, RPR, CLR

25 JOB NO.: 35197

1 S. LEE

2 1930s, 1940s?

3 A. I think it must have been 1939 or 1940,  
4 somewhere around there.

5 Q. And what was your first job responsibility at  
6 Timely?

7 A. Well, I was hired by two people, Joe Simon and  
8 Jack Kirby, who were producing the comics at that time for  
9 this company which was called Timely Comics.

10 Q. And --

11 A. And my job was to really be an assistant. I  
12 went down, and I got them their lunch sandwiches for them,  
13 and I filled their -- in those days they dipped the  
14 brushes in ink and used pencil sharpeners. And I  
15 sharpened the pencils. I erased the pages after they were  
16 finished. And I did whatever an assistant or an office  
17 boy would do.

18 Q. And at that time who was running or owned  
19 Timely?

20 A. The company was owned by a man named Martin  
21 Goodman.

22 Q. And he was the publisher?

23 A. Yes.

24 Q. And did Timely -- is Timely a predecessor or  
25 did Timely eventually become what we now know as Marvel?

1 S. LEE

2 Q. BY MR. QUINN: You mentioned just a few  
3 minutes ago before we took our short break that you had  
4 started as, I guess, an apprentice effectively at Timely  
5 Marvel around 1940. Did there come a time that you were  
6 -- you got a promotion?

7 A. Yes.

8 Q. Tell us about how that occurred.

9 A. Joe Simon and Jack Kirby were really the only  
10 two people there producing the comics, and for some reason  
11 they left, and I was the only guy left in the department.  
12 So Martin asked me if I could sort of function as the  
13 editor and art director and writer until he hired someone,  
14 a grown up. And I said, Sure. You know, when you're 18  
15 years old, what do you know? I said, Sure, I can do it.  
16 And I think he forgot to hire a grownup, because I was  
17 there ever since.

18 Q. Right. 60 years later they still haven't  
19 hired a grownup?

20 A. I'm still waiting.

21 Q. But you had grown up.

22 Now, did you have an understanding at the time  
23 or did you come to have an understanding as to why Simon  
24 and Kirby were let go?

25 A. I didn't know at the time, but I have heard

1 S. LEE

2 much later from a number of different people that it had  
3 something to do with -- they were supposed to have been  
4 working exclusively for Martin Goodman, and he found out  
5 they had, I think, been doing some work for some other  
6 company. Something like that.

7 Q. And he fired them, in effect?

8 A. I guess. Yeah.

9 Q. Now, when you became the editor, what were  
10 your job responsibilities?

11 A. Well, I was writing a lot of the stories, and  
12 I also would hire different artists to draw the stories,  
13 artists, letterers, inkers, so forth.

14 Q. And was it your responsibility to hire the  
15 writers and other artists and inkers and so forth and give  
16 them assignments --

17 A. Yes.

18 Q. -- with regard to what they were going to  
19 actually be doing?

20 A. Yes.

21 MR. TOBEROFF: Objection. Leading.

22 Q. And who oversaw -- tell us a little bit how  
23 that assignment process worked.

24 A. Well, it was my job to dream up new characters  
25 or to continue with the characters we had and to pick the

1 S. LEE

2 best artists and the best writers unless I wrote something  
3 my -- I had the privilege, which now that I think back, it  
4 was rare, but I could either write stories myself or I  
5 could hire writers. I couldn't write everything. And it  
6 was my job to hire the artists to draw the stories. And I  
7 did that for quite a number of years.

8 Q. And did you give instructions to the artists  
9 as to how you wanted the story to go?

10 A. Oh, yes. That was my job as Art Director.

11 Q. So in addition to writing, you were also the  
12 Art Director?

13 A. Yes.

14 Q. Now, who oversaw -- whose responsibility was  
15 the creative editorial aspects of the comic books that  
16 were created?

17 A. Well, the responsibility was mine, because I  
18 had to answer to the publisher, Martin Goodman, and he had  
19 to be happy with what I was doing.

20 Q. Did you have the ability to not only make  
21 assignments but also to edit and change things that other  
22 writers or artists did in connection with the comics?

23 A. Yeah. That was my job. If, for example, I  
24 saw some art work, and I felt there wasn't enough action  
25 on a page, or it was confusing, the reader might not know

1 S. LEE

2 what it was, or in a script if I felt there was too much  
3 dialogue or too little dialogue, it was -- it was up to me  
4 to make the stories as good as I could make them.

5 Q. Now, you mentioned that you did perform  
6 services not only as an editor but also as a writer.

7 A. Mm-hmm.

8 Q. Did you consider the services you performed as  
9 a writer part of your duties as the editor or something  
10 additional?

11 A. Well, I never thought of it that way. I was  
12 the Editor. I was the Art Director. And I was also a  
13 staff writer.

14 Q. And how were you paid in connection with the  
15 work that you did?

16 A. How was I paid?

17 Q. How were you paid in connection with the work  
18 as Editor and as a writer?

19 A. I received a salary which paid me as Editor  
20 and Art Director, but I got paid on a freelance basis for  
21 the stories that I wrote.

22 Q. And when you say you were paid on a freelance  
23 basis, how were you paid? On what basis?

24 A. The same as every other writer. I was paid  
25 per page, so much money per page of script.



1 S. LEE

2 Q. There was a fixed amount of money --

3 A. Yes.

4 Q. -- for each page?

5 A. Yes.

6 Q. And was there a policy or did you have a  
7 policy to pay writers and artists on that per page rate  
8 whether or not the page was actually used or published?

9 A. Oh, yes. Even if we didn't publish -- if an  
10 artist drew a 10-page story, and the artist rate was \$20 a  
11 page, I would put in a voucher for \$200 for that artist.  
12 Now, if -- and this happened rarely --- but if we decided  
13 not to use that story, the artist would still keep the  
14 money because he had done the work. It wasn't his fault.  
15 So -- and that's the way it was. Everybody was paid per  
16 page.

17 Q. Now, you mentioned that you had the right to  
18 edit and make changes. Was there anyone else in addition  
19 to you who had the right to edit and make changes --

20 A. Yes.

21 Q. -- in the work? Who was that?

22 A. Oh, my boss, Martin Goodman, though he really  
23 didn't edit. He would just call me into his office and  
24 say: Jeez, Stan. I didn't think that story was good. Do  
25 a better one next time. This book didn't sell so well. I

1 S. LEE

2 think you better see what's wrong. Maybe it needs a new  
3 artist or a new writer." Things like that. But I did the  
4 actual detail work.

5 Q. Were there times where Mr. Goodman would tell  
6 you that he didn't want something to be done a certain way  
7 --

8 A. Yeah.

9 Q. -- and you changed?

10 A. Yes, there were. Not that often, but yes.

11 Q. But that was your understanding of how the  
12 process worked?

13 A. Oh, absolutely. He was the -- he was the  
14 ultimate boss.

15 Q. And did he have the final say on what was  
16 published back in the 1950s and 60s?

17 A. Yes. As long as he was the publisher, he did.

18 Q. Did Mr. Goodman ever edit any of your work?

19 A. Not too often except every so often he'd say:  
20 I think you're putting in too much dialogue. I don't  
21 think the readers want to read that much. And I always  
22 disagreed with him, so I would sneak in as much dialogue  
23 as I could.

24 Q. Now, was this pretty much the practice that  
25 existed at Marvel beginning when you started as Editor in

1 S. LEE

2 the early 1940s and then up through the time that you  
3 became the publisher in the late 1960s?

4 MR. TOBEROFF: Vague and ambiguous.

5 Q. You can answer.

6 A. Yes.

7 Q. And did this process of assignment and so  
8 forth come to be known as the Marvel method?

9 A. Oh, no. No. The Marvel method referred to  
10 something else.

11 Q. Okay. Why don't you describe the Marvel  
12 method.

13 A. There was a time when I was writing so many  
14 stories that I couldn't keep up with the artists. I  
15 couldn't feed them enough work. And, you see, the artists  
16 were freelancers. Now, for example, if Jack was working  
17 on a story, and Steve was waiting for me to give him a  
18 story because he had had finished what he had been  
19 doing --

20 Q. Jack being Jack Kirby?

21 A. Jack Kirby.

22 Q. And Steve Ditko?

23 A. Right. Or it could have been any of the  
24 artists. But just using them as an example, if one of  
25 them was waiting for a story while I was still finishing

1 S. LEE

2 writing the story for the other one, I couldn't keep him  
3 waiting because he wasn't making money. He was a  
4 freelancer. He wasn't on salary.

5 So I would say: Look, Steve, I don't have  
6 time to write your script for you, but this is the idea  
7 for the story. I'd like this fill in, and I'd like this  
8 to happen, and in the end the hero ends by doing this.  
9 You go ahead and draw it any way you want to, as long as  
10 you keep to that main theme. And I will keep finishing  
11 Jack's story. And when you finish drawing this one, I  
12 will put in all the dialogue and the captions.

13 So in that way I could keep one artist working  
14 while I was finishing something for another artist. That  
15 worked out so well that I began doing that with just about  
16 all the artists. I would just give them an idea for a  
17 story, let them draw it any way they wanted to. Because  
18 no matter how they drew it, even if they didn't do it as  
19 well as I might have wanted, I was conceited enough to  
20 think I could fix it up by the way I put the dialogue and  
21 the captions in. And I'd make sense out of it even if  
22 they may have made -- have done something wrong.

23 And I was able to keep a lot of artists busy  
24 at the same time by using that system. And I have never  
25 given that long an explanation before.

1 S. LEE

2 Q. Did you end up using that system -- and when  
3 did this come into play? In the 1950s and 60s,  
4 approximately?

5 A. Probably the 50s.

6 Q. During the time that you were the Editor?

7 A. I was always the Editor.

8 Q. Until the late 1960s when you became  
9 publisher?

10 A. Right.

11 Q. And in that process, did you always maintain  
12 the ability to edit and make changes or reject what the  
13 other writers or artists had created?

14 A. Oh, sure.

15 Q. And did you do that on a regular basis?

16 A. If something had to be rejected, sure.

17 Q. And that would include artwork that was done  
18 by, for example, Jack Kirby?

19 A. Yeah.

20 Q. And do you recall instances where that  
21 occurred?

22 A. It's a strange thing. I didn't recall it --  
23 recall those instances too well. But I was talking to  
24 John Romita once. He was one of our artists. And we were  
25 talking about whether I had ever rejected any pages. And

1 S. LEE

2 I said sometimes I can't remember. And he said, "Stan,  
3 don't you remember? Sometimes if somebody wanted a job as  
4 an inker at our place," and an inker is somebody who goes  
5 over the pencil drawings with ink so that they can be  
6 reproduced better at the engraver, he said, "If we wanted  
7 to test an inker to see how good he'd be, we would take  
8 one of the pages of Jack's that you hadn't used and ask  
9 the inker to ink over them as samples."

10 And I had forgotten about that, but John  
11 Romita -- we were talking about that. It was a few years  
12 ago he told me that.

13 Q. And when you had that conversation with Mr.  
14 Romita, did that refresh your recollection that you had  
15 from time to time rejected pages from Jack Kirby?

16 A. Yeah. Actually probably less from Kirby than  
17 anybody else, because he was so good. But I had -- there  
18 were times when things had to be rejected for a myriad  
19 reasons.

20 (Lee Exhibit 1 marked for identification.)

21 Q. Let me mark as Lee Exhibit 1 an affidavit,  
22 it's a document entitled "Affidavit of Stan Lee," and ask  
23 you to take a look at that.

24 MR. TOBEROFF: I would like to make a standing  
25 objection, if you will agree, otherwise I have to make it

1 S. LEE

2 MR. TOBEROFF: Thank you.

3 MR. QUINN: I totally disagree given the fact  
4 that you rejected over and over again our offer. But in  
5 any event, let's move on and save time.

6 Q. BY MR. QUINN: Okay. Now, could you take a  
7 look at the last page of the document entitled Affidavit  
8 of Stan Lee. It's page 8 of the affidavit.

9 And is that your signature?

10 A. Yes.

11 Q. And have you had an opportunity in the last  
12 day or so to review this affidavit?

13 A. I'd have to refresh my memory.

14 Q. Go ahead and refresh your recollection again.

15 A. That's right.

16 Q. And having reviewed the affidavit, is there  
17 anything in the affidavit as far as you know today that's  
18 inaccurate or wrong?

19 A. No, I don't think so.

20 Q. It's all truthful?

21 A. Mm-hmm. Yes.

22 Q. I'm just going to ask you a couple of  
23 questions --

24 A. Sure.

25 Q. -- about some of the things that's in the

1 S. LEE

2 affidavit.

3 You just testified a little while ago about  
4 the process that you utilized in connection with making  
5 assignments, and so forth. And paragraphs, I guess, 3 and  
6 4 of this affidavit also describe the same methodology.

7 In paragraph 4 of the affidavit it reads, and  
8 I will just read it and you can follow along, it says,  
9 "Timely," that would be Marvel, "however, always  
10 maintained the right to direct the storylines and the  
11 right to edit any aspect of the materials I submitted for  
12 publication, including the characteristics of any existing  
13 or new characters I utilized in the storylines."

14 Now, would that also be true with regard to  
15 other writers and other artists; --

16 A. Wait.

17 Q. -- that Marvel maintained the right to direct  
18 the storylines --

19 A. Oh, yes. The artists and -- it held for the  
20 artists and the writers and the letterers and the inkers  
21 and the colorists and everybody.

22 Q. And the next sentence says, "At that time it  
23 was typical in the industry for comic book publishers to  
24 own the rights to the materials that were created for them  
25 for publication."



1 S. LEE

2 A. Yes.

3 Q. And that was your understanding --

4 A. Yes.

5 Q. -- at that time?

6 A. Yes.

7 Q. And that continued through the time that you  
8 stopped being the editor in the late 1960s?

9 A. Yes.

10 Q. So that would include the period of the 1950s  
11 and 60s?

12 A. Yes.

13 Q. And it further goes on that -- and that would  
14 apply not only to things that you created but also things  
15 that were created by other writers and other artists like  
16 Jack Kirby?

17 A. Yes. That's right.

18 Q. And that was the understanding in the industry  
19 at the time?

20 A. That was my understanding.

21 Q. And it goes on to say that "Timely," referring  
22 to Marvel, "would own whatever rights existed to all of  
23 the materials I created or co-created for publication."  
24 That was your understanding?

25 A. Yes, it was.

1 S. LEE

2 Q. And that was your understanding not only with  
3 regard to materials you created but were created by the  
4 other writers and artists who were working under your  
5 direction?

6 A. Yes.

7 Q. And do you ever recollect, going back during  
8 that period of time anyone, any of the other writers or  
9 artists disagreeing or telling you that they didn't --  
10 they didn't agree with that?

11 A. During this period of time? No.

12 Q. Now, in paragraph 11, there is a reference to  
13 a Schedule A that's attached to this affidavit. And it  
14 says that, "A list of some of the characters I created or  
15 co-created for Timely, Marvel, appears on Schedule A."

16 And, to the best of your knowledge, is that a  
17 list of some of the characters that you either created or  
18 co-created?

19 A. Yes.

20 Q. And looking at paragraph 13 of the affidavit,  
21 it states, I will read it into the record, "For years I,"  
22 being you, "received checks from Timely and its successor  
23 that bore a legend acknowledging that the payment was for  
24 works for hire."

25 Do you recall -- that's a true statement;

1 S. LEE

2 right?

3 A. Yes, it is.

4 Q. And do you recall that that was the practice  
5 at the time?

6 A. Yes, it was.

7 Q. And was that the practice not only with  
8 respect to you but with all the writers and artists?

9 A. Oh, yes.

10 Q. And that would include Mr. Kirby?

11 A. Yes. Everybody.

12 Q. Do you remember a woman who worked for Marvel  
13 back at the time by the name of Millie Shuriff?

14 A. There was a Millie. I think she was in the  
15 Bookkeeping Department. I never knew her last name or I  
16 don't remember it.

17 (Lee Exhibit 2 marked for identification.)

18 Q. I'm going to mark an affidavit as Lee 2. And  
19 I'm just going to ask you an a couple questions about the  
20 affidavit. I'm going to ask you -- I'm going to point you  
21 to the paragraph 7, which is on the second page of the  
22 affidavit.

23 And it says that, Miss Shuriff says that "all  
24 of the writing and drawing for the comic books was done on  
25 a work made for hire basis."

1 S. LEE

2 That was your understanding?

3 A. Yes.

4 Q. Consistent?

5 And then it says in paragraph 8, that "The  
6 work for hire language was affixed to each freelancer  
7 check by way of an ink stamp."

8 Is that consistent with your recollection?

9 A. Yes. Yes.

10 Q. Okay. That's all I have on that.

11 Let me go back for a second to you mentioned  
12 the fact that the writers and artists during this period  
13 of time were paid on a per page rate.

14 A. That's right.

15 Q. And were different artists and different  
16 writers paid different rates?

17 A. Oh, yes, according to how valuable we thought  
18 they were.

19 Q. And did it matter -- let's take a particular  
20 artist, oh, say Jack Kirby. Did it matter whether he --  
21 was Mr. Kirby one who got a higher page rate?

22 A. He got the highest because I considered him  
23 our best artist.

24 Q. And with regard to his page rate, he got that  
25 page rate whether or not the actual drawings were

1 S. LEE

2 ultimately published?

3 A. Oh, yes. Most of them. They were practically  
4 all published, and, yeah, he always -- I made sure he got  
5 the highest rate.

6 Q. Now, did it matter -- he always got -- he got  
7 the highest rate, but he got the same rate, whether it was  
8 for Fantastic Four or for The Hulk or for -- in other  
9 words, he wasn't paid a different rate based on the  
10 characters?

11 A. As far as I can remember, he wasn't paid a  
12 different rate. I wouldn't swear to it, because there may  
13 -- I don't remember ever giving him a different rate. Let  
14 me put it that way.

15 Q. That's what I'm asking, your best  
16 recollection.

17 A. Yeah.

18 Q. That's your best recollection?

19 A. Right.

20 Q. Now I'm going to ask you a few questions,  
21 general questions, about kind of creation of the comic  
22 book. And perhaps nobody knows it better than you do.

23 In general terms, and let's focus on the  
24 period 1950s and 60s, which is the relevant period in this  
25 case. What was -- I'd like you to tell us the role of the

1 S. LEE

2 different contributors to a comic book, the writer, the  
3 artist, penciler, the inker, the colorist, the letterer.  
4 What did each guy do, or woman, if there were any?

5 A. Well, somebody has to come up with the idea  
6 for the script itself. Then it has to be written. So the  
7 first thing that happens is you either get a script by the  
8 writer, or, in my case, you'd get an outline saying what  
9 the story is.

10 Then it would go to the penciler, who would  
11 draw the script in pencil.

12 Then it would go to the letterer, who would  
13 letter the dialogue balloons and the captions in ink over  
14 the pencil drawings.

15 Q. Mm-hmm.

16 A. Then it would go to the inker, who would ink  
17 the pencil drawings. So now the page had the lettering  
18 and the artwork done in ink so that it could go to the  
19 engraver, and he could photograph it or whatever he did  
20 with it.

21 Then in those days we would get back from the  
22 engraver some sheets of paper, eight by ten usually, that  
23 were called silver prints. And there was a silver print  
24 for each page. And they would go to the colorist, who  
25 would use some kind of aniline dye paints, and they would

1 S. LEE

2 color the pages, which were then sent back to the engraver  
3 or the printer, I was never sure, but to tell that person  
4 how we wanted it colored when it was printed.

5 The engraver and/or printer used those colored  
6 sheets as a guide to -- so they would know how to color  
7 the pages.

8 Q. Right, actually do the printing.

9 A. And that's -- I think that's all. There was  
10 the writer, the penciler, the letterer, the inker, the  
11 colorist. Of course we had proofreaders and sometimes we  
12 would make changes. I, as the editor, would often look  
13 over a page and say, I don't like this drawing, let's fix  
14 it, or, let's make this a long shot, not a close up. Or,  
15 you know, whatever I would do.

16 I didn't do that too much because it cost us  
17 money, and it wasted time, so only when it had to be done.

18 Q. Now, were all these people working in the same  
19 room?

20 A. No.

21 Q. How did that work?

22 A. No. Usually the production people were -- the  
23 people who made the paste ups.

24 Q. Right.

25 A. But very often the artists worked at home. We

1 S. LEE

2 did a lot of shipping things around. We would -- I would  
3 talk on the phone or in person to the artist, giving -- or  
4 I would type out an outline, depending how we worked. And  
5 the artist usually went home and penciled it, bring it in  
6 to me, I would approve it or not approve it, or have what  
7 changes needed to be made.

8 Then I would send it to the inker. We very  
9 rarely had an inker who was really on staff. At a  
10 different address the inker would do it and ship it back  
11 to me. And if I liked it, usually it was okay, it would  
12 then go to a letterer.

13 Now, often the letterers were on staff, but we  
14 also had a number of letterers who worked at home. In  
15 fact, our main letterers, Sam Rosen and Artie Simick, they  
16 both worked at home, so we had to ship the artwork again.  
17 They would letter it, bring it back.

18 We had a colorist who worked on staff, but we  
19 also had colorists who worked at home.

20 So again, it either was done on staff or we  
21 shipped it. We were always moving and shipping things  
22 back and forth.

23 Q. There was no FedEx back then.

24 A. No FedEx. No. It was very difficult. And we  
25 had a small staff really in the office, usually one



1 S. LEE

2 letterer who would make corrections on things. And  
3 sometimes one of the people also did coloring. But mostly  
4 everything was done freelance and shipped around the city.

5 Q. Now, you mentioned all the different books  
6 involved, but you mentioned first somebody had to come up  
7 with the idea.

8 A. Yeah.

9 Q. Was that your role for the most part?

10 A. Pretty much. Yeah.

11 Q. And after you would come up with the idea, how  
12 would you communicate that idea to the writer, or in some  
13 cases you were the writer, but a different writer or the  
14 artist?

15 A. Well, we would meet, and I would talk about  
16 it, and I would usually have, well, often have something.  
17 I'd write out a brief outline of what the idea was.

18 Q. A synopsis?

19 A. A synopsis. Or sometimes I would just talk it  
20 with the artist. It really depended on how well I knew  
21 the artist, how well we worked together, how familiar we  
22 were with each other's style.

23 Q. Now, typically who came up with the ideas for  
24 stories at Marvel during the 50s and 60s?

25 A. Well, in the 50s, in the early 50s, we were

1 S. LEE

2 doing a lot of odd books. And very often the writers of  
3 those odd books would come up with their own, although I  
4 did most of them.

5 In the 60s, the ideas for the new characters  
6 originated with me because that was my responsibility.  
7 And what would happen is the publisher, Martin Goodman,  
8 for example, with the Fantastic Four, he called me into  
9 his office one day. And he said, "I understand that  
10 National Comics," which later changed its name to DC, "but  
11 I understand that National Comics has a book called The  
12 Justice League. And it's selling very well. I want you  
13 to come up with a team of superheroes. Let's do something  
14 like that."

15 So it was my responsibility to come up with  
16 such a team. And I dreamed up the Fantastic Four, and I  
17 wrote a brief outline. And at that time, you know, I gave  
18 that to Jack Kirby, who did a wonderful job on it.

19 With The Hulk and the X-Men and Iron Man, I  
20 couldn't -- I wanted to use Jack for everything, but I  
21 couldn't because he was just one guy. So with Iron Man I  
22 gave that script to Don Heck after I came up with the  
23 idea.

24 With Daredevil, I gave that to Bill Everett.

25 I think with Iron Man I still wanted Jack to

1 S. LEE

2 do the cover, though, for it.

3 With Spider-Man, that was kind of an  
4 interesting thing. I thought Spider-Man would be a good  
5 strip, so I wanted Jack to do it. And I gave it to him.  
6 And I said, Jack, now you always draw these characters so  
7 heroically, but I don't want this guy to be too  
8 heroic-looking. He's kind of a nebbishy guy.

9 Q. Would we call him a nerd today?

10 A. I would say so. Yeah.

11 Anyway, Jack, who glamorizes everything, even  
12 though he tried to nerd him up, the guy looked still a  
13 little bit too heroic for me. So I said: All right,  
14 forget it, Jack. I will give it to somebody else.

15 Jack didn't care. He had so much to do.

16 Q. Who did you give it to?

17 A. I gave it to Steve Ditko. His style was  
18 really more really what Spider-Man should have been. So  
19 Steve did the Spider-Man thing. Although, again, I think  
20 I had Jack sketch out a cover for it because I always had  
21 a lot of confidence in Jack's covers.

22 Q. When the covers were done, were they done  
23 before or after the actual work was created?

24 A. You know, I don't think there was a hard and  
25 fast rule for that. I really can't remember. I think

1 S. LEE

2 you'd have had to have done some of the work first, so in  
3 doing the cover you knew what the characters looked like.

4 Q. And did you take particular interest in the  
5 cover?

6 A. Oh, that was my specialty. The covers in  
7 those days, the covers were the most important thing.  
8 Because we didn't have fans the way we do now. Today,  
9 fans go to a book store, Did the latest Fantastic Four  
10 come in yet? In those days we sold according to how  
11 attractive a book looked on the newsstand. A kid would  
12 walk in the news stand, and whatever caught his eye he'd  
13 pick up.

14 So we made sure -- and this was something that  
15 my publisher Martin Goodman, he was an expert in. He  
16 taught me a lot about what to do to a cover to make it  
17 stand out, what kind of color schemes to use, and so  
18 forth.

19 So I paid a lot of attention to covers. They  
20 were very important.

21 Q. And you would make changes in covers?

22 A. Oh, sure.

23 Q. And you mentioned that you thought that Kirby  
24 actually did the cover on Spider-Man. What was -- the  
25 cover that he did was based on his original drawing or was

1 S. LEE

2 it based on what Ditko had done?

3 A. Oh, it would have had to have been based, I  
4 think, on what Ditko did because it would have to look  
5 like the Spider-Man.

6 Q. The nerdy Spider-Man?

7 A. I would think so. Well, as Spider-Man he  
8 didn't look nerdy. He looked nerdy as Peter Parker, yeah.

9 Q. Fair enough. Now, you mentioned that you  
10 would have meetings from time to time, I guess, plotting  
11 conferences. Do you recall -- and let me mark as -- we'll  
12 mark actually two documents, although they're related, an  
13 article that was written by a man by the name of Nat  
14 Freedland in the New York Herald Tribune dated January  
15 9th, 1966.

16 Do you recall the article? I'm going to show  
17 you copies of it.

18 Let's mark this as Lee 3.

19 And Lee 4 --

20 (Lee Exhibit 3 marked for identification.)

21 (Lee Exhibit 4 marked for identification.)

22 A. I hate that article.

23 Q. I'm only going to ask you about one part of  
24 it.

25 In the reprint there's a reference, and I will

1 S. LEE

2 just read it into the record, that says that, "The  
3 plotting conference at the end of this article was for  
4 FF No. 55," FF would be the Fantastic Four?

5 A. Right.

6 Q. " -- No. 55 and issued just after the most  
7 prolific period of new character creation on the series."

8 I want you to take a look at the end of this  
9 article. Either one. Yeah, that's the one.

10 And specifically there is a paragraph that  
11 begins right here, Mr. Lee (pointing), that starts.

12 Lee arrives at his plots in sort of ESP  
13 sessions with the artists. He inserts the  
14 dialogue after the picture layout comes in and  
15 then it goes on. Here he is in action at a  
16 weekly Friday morning summit meeting with Jack  
17 "King" Kirby a veteran comic book artist, a man  
18 who created many of the visions of your childhood  
19 and mine.

20 Then it goes on for the next several  
21 paragraphs just to describe the plotting conference. And  
22 you can just take a quick look at that.

23 I want to just ask you whether, in fact, this  
24 is consistent with your recollection of how typically  
25 plotting conferences would be -- would go back in this

1 S. LEE

2 period in the 1960s.

3 A. Well, pretty much, except this is written by  
4 somebody who I don't know why but he must have taken a  
5 very unfair dislike to Jack. And it is so derogatory.  
6 It's just terrible the way he pictured Jack in this  
7 article. I can't tell you how badly I felt.

8 At any rate, this is the way the conferences  
9 went. Very often Jack would say more than "mm-hmm." You  
10 know, he might contribute something or he might say,  
11 "Stan, let's also do this or do that." I mean, we had  
12 conversations.

13 But aside from that, yes, we would get  
14 together. I would tell Jack the main idea that I wanted,  
15 and then we would talk about it, and we'd come up with  
16 something.

17 Q. And that was fairly typical of how a plotting  
18 conference would go?

19 A. Yeah, in that sense. Yeah.

20 Q. Now, during the period of time that you've  
21 been testifying about, did Marvel ever buy work that was  
22 created by one of the writers or freelancers on spec as  
23 opposed to having the material being part of an assignment  
24 that you would give him?

25 A. Not that I remember. Excuse me. You know,

1 S. LEE

2 they may have made deals I don't know about.

3 Q. I'm just asking --

4 A. But nothing that I remember. Right.

5 Q. -- in your recollection --

6 A. Right.

7 Q. -- having been there all that period of  
8 time.

9 A. Right.

10 Q. Now, when you would give out an assignment,  
11 how did that work? Did you give them deadlines? How  
12 did --

13 A. Yeah. Every strip had a deadline, because  
14 these books had to go out every month. And it was very  
15 important that the deadline be met. Because if a book was  
16 late, we had already paid the printer for that press time.  
17 And if the book wasn't delivered in time, we still had to  
18 pay the printer. So it was a total loss to us. So the  
19 deadlines were very important. And the artists always  
20 knew this has to be delivered by thus-and-such a date.

21 Q. Now, in connection with the way that artists  
22 and freelancers were paid, did they get paid whether or  
23 not a particular book or comic was successful?

24 A. Oh, sure. They were paid before the book went  
25 on sale. We didn't know how successful it would be. They



1 S. LEE

2 were paid when they delivered the artwork.

3 Q. Did you ever have any discussions with Mr.  
4 Goodman about what his investment and his risk was in the  
5 context of being the publisher?

6 A. Yeah. Once in a while -- I remember there was  
7 one time some artists had wanted an increase in their page  
8 rate, and they felt they weren't getting paid enough. And  
9 Martin was in a pretty gloomy mood that day, and he said  
10 to me.

11 You know what they don't realize? They  
12 don't realize the risk that I'm taking. Because  
13 if the books don't sell, it costs -- I lose a lot  
14 of money. And I have no guarantee the books will  
15 sell. And we have periods for month after month  
16 after month where I'm losing money where the  
17 books don't sell. But I don't cut their rate. I  
18 don't fire them. I try to keep going as much as  
19 possible.

20 And he gave me this whole thing from the  
21 publisher's point of view.

22 Q. And did you understand that point of view?

23 A. Well, yeah, I could understand it from his  
24 point of view. I could understand it. Yes. Just to add  
25 to that, he said he was the fella taking all the risk.

1 S. LEE

2 That's the thing that he stressed.

3 Q. Let me go back to the covers for a second.

4 Now, who typically designed the covers for the  
5 comic books? How did that process work?

6 A. I usually, almost always, would say what I  
7 wanted the cover to be. Sometimes I'd make a little  
8 thumbnail sketch. I'm no great artist, but I would just  
9 indicate where I wanted the character.

10 Because, as I said, we considered the covers  
11 the most important part of the book. And I was very  
12 careful about the covers. And I would say what the  
13 illustration should be, where I wanted the caption, where  
14 I wanted a blurb, how I wanted -- whether I wanted a  
15 closeup or a long shot, whether I wanted it to be an  
16 action scene or just a dramatic scene. That I spent a lot  
17 of time on that.

18 Q. And after you'd give direction, were the  
19 covers done before or after the pencils were complete?

20 A. It didn't -- it could have been either way.

21 Q. Either way. And did you ever reject a cover  
22 and ask him to go back and redo it?

23 A. Oh, sure.

24 Q. Now, you mentioned also the practice was to  
25 pay writers, artists, and the others inkers, and so forth

1 S. LEE

2 on a per page basis. And they had different rates and so  
3 forth.

4 During the period of time that you were there,  
5 were writers or artists ever -- did they ever get  
6 royalties from Marvel for the work they did or was it just  
7 a per page?

8 A. While I was there I don't remember any  
9 royalties.

10 MR. LIEBERMAN: Is this a good time for a  
11 break? We've been going for about an hour.

12 MR. QUINN: I think it's a very good time.

13 THE VIDEOGRAPHER: Off video at 10:29 a.m.

14 (Recess.)

15 THE VIDEOGRAPHER: Back on video at 10:38 a.m.

16 Q. BY MR. QUINN: We were discussing a number of  
17 different items generally about the process that you  
18 oversaw as editor back in the 50s and 60s. And now I want  
19 to focus specifically on issues relating to Jack Kirby.

20 You're aware that this is a dispute with the  
21 Kirby heirs?

22 A. (Nods head up and down.)

23 Q. You've got to say yes on the record.

24 A. Yes.

25 Q. When did you first meet Jack Kirby?

1 S. LEE

2 A. Well, the first day that I came to work at  
3 Timely Comics, which was either '39 or '40.

4 Q. And over the course of the years, what was  
5 your relationship with Mr. Kirby?

6 A. Well, on my part it was very cordial. I was a  
7 big fan of his from the beginning.

8 Q. Now I'm going to focus on the period of time  
9 at issue in the 50s, and late 50s and early 60s. At what  
10 point in time did Mr. Kirby come back to Marvel or Timely?

11 A. I don't remember the year, but there was a  
12 time that he left, and he did some work for DC Comics, and  
13 then he came back. Yes.

14 Q. And by the late 1950s he had returned?

15 A. The late 1950s -- 60s.

16 Q. Let me rephrase the question.

17 By 1960, he was back working at Marvel, in  
18 that general area?

19 A. Maybe he left two times. Maybe he left in the  
20 50s, and that's what you're referring to. He was back by  
21 '60.

22 Q. Right.

23 A. That may be. Because I know there was a time  
24 later in the 60s that he left and he came back, I think.

25 Q. Now focusing on the period when he was at

1 S. LEE

2 Marvel in the 60s, what was Jack Kirby's role at Marvel?

3 A. The same as it had always -- wait a minute.  
4 Did you say in the 50s?

5 Q. No, focusing on the 60s.

6 A. As far as I know, the same as it had always  
7 been. He was our top artist, and I gave him what I  
8 thought were our most important projects.

9 Q. And what was -- what were his job  
10 responsibilities as an artist?

11 A. Well, to draw the strip as well and as excited  
12 -- excitingly and grippingly as possible, and draw it in  
13 such a way that the readers would want to see more, more,  
14 more.

15 Q. And who had the right to direct and supervise  
16 Mr. Kirby's work?

17 A. That was me.

18 Q. And who had the ability to edit and control  
19 Kirby's work?

20 A. That was my job.

21 Q. And who decided which comic books and  
22 characters Kirby would draw?

23 A. I did.

24 Q. And who gave him those assignments?

25 A. I did.

1 S. LEE

2 Q. As best you can recall, did Mr. Kirby ever  
3 submit work to you or to Marvel that he had done on spec?

4 A. Not that I remember.

5 Q. And you mentioned the situation with taking  
6 him off the Spider-Man book. In addition to that, were  
7 there other instances where you did edit Kirby's work?

8 A. Well, I edited everybody's work. I don't  
9 remember taking him off anything else.

10 Q. Do you remember Mr. Kirby ever refusing to  
11 make any of the edits or changes that you made?

12 A. As a matter of fact, no. Jack was really  
13 great to work with.

14 Q. To your knowledge, during this period in the  
15 60s, was Kirby working only for Marvel or was he doing  
16 work for other comic books?

17 A. I thought he was working just for us.

18 Q. Now, typically, what was the work product  
19 after you had given Kirby an assignment? What was the  
20 work product that you would receive back from Kirby?

21 A. I would receive back usually, if the book was  
22 20 pages long, I'd receive back 20 beautifully drawn pages  
23 in pencil which told a story.

24 Q. And did Mr. Kirby ever suggest dialogue?

25 A. Not orally, but what he would do, when I would

1 S. LEE

2 give Jack a rough idea for what the story should be, and  
3 he went home and he drew it in his own way, laying it out  
4 the way he thought it would be best, he would put in the  
5 borders, the margins of the pages, he would put little  
6 notes letting -- so I would understand what he was getting  
7 at with each drawing, and he would sometimes put dialogue  
8 suggestions also.

9 (Lee Exhibit 5 marked for identification.)

10 Q. Let me show you what I'm going to mark as I  
11 believe it's Lee 5, a magazine entitled "Jack Kirby  
12 Collection 54." And I just want to point you to some  
13 portions of that.

14 THE REPORTER: Do you want me to put the  
15 sticker actually on it?

16 MR. QUINN: Yeah, you can put it on.

17 MR. TOBEROFF: Can I have a copy, please?

18 MR. QUINN: I'm sorry.

19 MR. TOBEROFF: Thank you.

20 Q. BY MR. QUINN: We tagged a particular section  
21 that has a little blue tag on it. You can open to that.  
22 See the little --

23 A. Oh, yes.

24 Q. And it's page 59 of this exhibit. And on the  
25 top it talks about being fantastic penciling and the size.

1 S. LEE

2 It says, "What would a Lee and Kirby issue be without the  
3 Fantastic Four being heavily represented?" And then it  
4 has a representation, I guess, of the penciling or the  
5 drawing done by Kirby in the first instance.

6 Do you recognize the notes around the pages?

7 A. Well, that's Jack's handwriting. That's the  
8 way he wrote them. Yes.

9 Q. And could you tell us, for example, in this  
10 instance I see that there's a dialogue that's actually in  
11 the different blocks. Tell us who did that dialogue. How  
12 was the process done?

13 A. Well, I wrote the dialogue and the captions,  
14 but Jack would give me notes. For example, in panel 4 of  
15 that page, the next to the last panel --

16 Q. Right.

17 A. -- Jack wrote what he suggested the dialogue  
18 might be. "I will rule. My years underground will end."  
19 That was to let me know what he felt the fellow should be  
20 doing or saying.

21 So I wrote, "My conquest will be complete. I,  
22 the Mole Man, banished from my fellow men half a life time  
23 ago, will return at last as Master of the Earth."

24 Very often I would write dialogue to fill up  
25 spaces. In other words, I also indicated where the



1 S. LEE

2 dialogue balloons and the captions should go on the  
3 artwork. And I might not have written so much if he had  
4 made the face bigger, but inasmuch as there was that space  
5 on the upper right-hand part of the page, I put in more  
6 dialogue to sort of dress up the -- balance the panel with  
7 picture and dialogue. That was something else I had  
8 mentioned but I concentrated very much on.

9 For example, in the panel above it, that panel  
10 was an interesting panel, and I didn't want to -- I only  
11 used three lines of caption. I didn't want to crowd that  
12 with copy.

13 And the same with the first panel. There's so  
14 much going on, that I only had a two-line caption that  
15 only went part way across, because I wanted the reader to  
16 enjoy looking at Jack's artwork with no interference.

17 Q. And who was it who decided where those --  
18 where the dialogue would go?

19 A. I did. I always made the indications for the  
20 letter -- before giving my strips to a letterer, I always  
21 indicated in pencil after I typed out the dialogue where  
22 the dialogue should go in the panel. And the sound  
23 effects, also.

24 Q. And this was the typical way that you would  
25 work with Mr. Kirby?

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1 S. LEE

2 A. With all the artists. Yeah.

3 Q. And who had the final say with regard to what  
4 was going to be written in those panels?

5 A. Well, I was the editor. I did.

6 Q. So just looking at some of the other panels,  
7 who -- let's go to the next page up on top in the second  
8 panel.

9 A. Mm-hmm.

10 Q. Read me what Kirby had written in.

11 A. Let me see if I can make it out. "As it  
12 leaves his hands, the staff's power blows and rocks" --  
13 something -- back." I can't make out the word.

14 Q. Right. And what did you substitute for this?

15 A. Well, I thought it was so self-explanatory,  
16 and design wise I felt a big sound effect would be good.  
17 So I lettered in the word "batoom" (phonetic) for the  
18 letterer. I did it in pencil so the letterer would follow  
19 it, and I tried to make it part of the design of the  
20 panel.

21 Q. Was that something that you typically did?  
22 Let's look at another, the next page.

23 A. The next page?

24 Q. I'm sorry, two pages over which would be 62.  
25 I see in the third panel --

1 S. LEE

2 compare. Is that the same page that in Lee 6 in its final  
3 version that is in --

4 A. Oh, it seems to be. Yes.

5 Q. With the same dialogue that you wrote in?

6 A. Mm-hmm.

7 Q. So this would be -- this --

8 A. Yeah.

9 Q. Stan --

10 A. This is the way it looked printed.

11 Q. This is the way it came out to the public.

12 A. Right.

13 Q. That now includes the work of the inkers and  
14 the colorists and all the other folks.

15 A. And the letterer.

16 Q. And the letterer. Now, as part of the way you  
17 worked with Mr. Kirby and the assignments you gave, did  
18 you ever ask Mr. Kirby to create new characters? Or did  
19 he ever create new characters in the context of the work  
20 and the assignment you gave him?

21 A. Well, he, in the context of the work, I would  
22 give him the outline for the story. I might add, that as  
23 we went on, and we had been working together for years,  
24 the outlines I gave him were skimpier and skimpier. I  
25 might say something like: In this story let's have Dr.

1 S. LEE

2 Doom kidnap Sue Storm, and the Fantastic Four has to go  
3 out and rescue them. And in the end, Dr. doom does this  
4 and that. And that might have been all I would tell him  
5 for a 20-page story.

6 Q. Dr. Doom --

7 A. Dr. Doom being the villain.

8 Q. The villain.

9 A. And Jack would just put in all the details and  
10 everything. And then it was -- I enjoyed that. It was  
11 like doing a crossword puzzle. I get the panels back, and  
12 I have to put in the dialogue and make it all tie  
13 together.

14 So we worked well together that way for years,  
15 but, I'm sorry, I forgot what your question was.

16 Q. No, no, no. Whether during that period of  
17 time was it part of his job to create new characters from  
18 time to time?

19 A. Oh, that's why I mentioned.

20 MR. TOBEROFF: Assumes facts. Go ahead.

21 Q. Go ahead.

22 A. That's why I mentioned that, because I might  
23 give him a very skimpy outline like let Dr. Doom kidnap  
24 Sue. Now, when he drew the strip, he might introduce a  
25 lot of characters that he came up with in the story. He

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1 S. LEE

2 might have decide to have Dr. Doom send some giant robot  
3 to get Sue Storm, and he would make up the robot. Or  
4 there might be some other people. Sure, Jack would often  
5 introduce a lot of new characters in the stories.

6 Q. And that was part of what his assignment was?

7 A. Yeah.

8 Q. And did other artists do the same thing?

9 A. Yes.

10 Q. To your recollection, were there any  
11 characters that Kirby had created before he was working  
12 with you or anyone at Marvel that he brought to Marvel and  
13 then were then published by Marvel?

14 A. No, I don't believe so. I don't recall any.  
15 Oh, wait a minute. Wait a minute. Captain America, for  
16 God's sake. He and Joe Simon had created Captain America.

17 Q. Right.

18 A. Now, by the time in the 60s, Jack came to work  
19 for us, we weren't -- there was no more Captain America.  
20 We weren't publishing it because Martin Goodman thought it  
21 was just a World War II character and people wouldn't be  
22 interested in it anymore.

23 I always loved the character, so I decided to  
24 bring it back. And I tried to write a story where he had  
25 been frozen in a glacier for years, and they found him and

1 S. LEE

2 he came back to life, and so forth. And I tried to give  
3 him some personality where he always felt -- he was an  
4 anachronism. He was living in our day, but yet he had the  
5 values of 20 or 30 years ago. And I tried to make him a  
6 little bit interesting.

7 And Jack would draw him. And Jack just drew  
8 him so beautifully, and the stories worked out so well  
9 that he became part of the Marvel superhero characters,  
10 the one that I did not create. Yeah. And he's a great  
11 character, and they'll be making movies of him soon.

12 Q. Other than Captain America, you can't remember  
13 any --

14 A. No, I don't remember any others.

15 Q. To your knowledge, did Mr. Kirby ever shop a  
16 character around to other publishers before bringing it to  
17 Marvel?

18 A. Not that I know of.

19 Q. Did you ever have any discussions with Mr.  
20 Kirby as to who owned the rights to particular characters?

21 A. No. Again, not that I can recall.

22 Q. Was it your understanding that Mr. Kirby was  
23 aware of Marvel's policy that everything was work for  
24 hire?

25 A. I took it for granted. We had never discussed

1 S. LEE

2 it.

3 MR. TOBEROFF: Did you hear my objection?

4 THE REPORTER: No, I didn't. Sorry.

5 MR. TOBEROFF: Leading.

6 THE REPORTER: Thank you.

7 Q. To your knowledge, did Mr. Kirby ever try to  
8 use a storyline or a character that he and you created  
9 together for Marvel when he left Marvel and went to DC or  
10 someplace else?

11 A. Did he take any stories we had done and use --  
12 not that I know of.

13 Q. Now, we talked generally about how the  
14 freelancers were paid. How was Mr. Kirby paid?

15 A. When he brought in -- like everybody else.  
16 When he'd bring in his artwork, he'd hand in a voucher.  
17 We had pre -- you know, pre-prepared voucher forms. And I  
18 would, of course, okay the voucher, and it would go to the  
19 Bookkeeping Department.

20 Q. Based on the number of pages?

21 A. Yeah, so much per page.

22 Q. To your knowledge, did Mr. Kirby ever receive  
23 any royalties from Marvel?

24 A. Did he receive royalties?

25 Q. Royalties from Marvel.

1 S. LEE

2 A. I don't know.

3 Q. Now, you indicated that Kirby had left and  
4 come back to Marvel at several different periods of time.  
5 To your knowledge, when Mr. Kirby was working for other  
6 comic book publishers, did he do some of his own writing?

7 A. I think so. I didn't really follow it, but I  
8 think when he worked for DC that he may have written some  
9 of the characters he created. But I don't know for sure.

10 Q. Do you know whether after he left Marvel he  
11 had -- his characters had the same kind of success that  
12 the characters that came about during the period of time  
13 he was at Marvel?

14 A. Well, I don't think they became as successful  
15 as the Marvel heroes, no.

16 Q. I want to focus specifically on the creation  
17 of a number of the specific characters that -- we talked  
18 about several, but I want to go into them in a little bit  
19 more detail.

20 And let's start with the Fantastic Four. You  
21 actually referenced them earlier. Tell me to the best you  
22 can recall, how did the idea for the Fantastic Four come  
23 about, and who they were, and what was the back story with  
24 regard to the Fantastic Four.

25 A. Well, as I mentioned, Martin Goodman asked me



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2 to create a group of heroes because he found out that  
3 National Comics had a group that was selling well. So I  
4 went home, and I thought about it, and I -- I wanted to  
5 make these different than the average comic book heroes.  
6 I didn't want them to have a double -- a secret identity.

7 And I wanted to make it as realistic as  
8 possible. Instead of them living in Gotham City or  
9 Metropolis, I felt I will have them live in New York City.  
10 And instead of the obligatory teenager Johnny Storm  
11 driving a whiz bang V8, he would drive a Chevy Corvette.

12 I wanted everything real, and I wanted their  
13 relationship to be real. Instead of a girl who didn't  
14 know that the hero was really a superhero, not only did  
15 she know who he was, but they were engaged to be married,  
16 and she also had a superpower.

17 So, you know, things like that. And I thought  
18 I would try that. So I wrote up a very brief synopsis  
19 about that, and naturally I called Jack, because he was  
20 our best artist, and I asked him if he would do it. He  
21 seemed to like the idea. Took the synopsis, and he drew  
22 the story and put in his own touches, which were  
23 brilliant.

24 And it worked out beautifully. Books sold,  
25 and that was the start of the Marvel success, you might

1 S. LEE

2 say.

3 Q. And tell me or tell us all your thinking in  
4 the creating the four different characters, Mr. Fantastic,  
5 the Invisible Woman, the Human Torch, and The Thing.

6 MR. TOBEROFF: Assumes facts.

7 A. I'm sorry?

8 Q. You can answer.

9 A. Tell you what?

10 Q. Tell us what was your thinking with regard to  
11 or the idea behind these specific four characters.

12 A. Well, I wanted them to be a team, but I wanted  
13 them to act like real people. So they didn't always get  
14 along well. I wanted one of them to be -- we called him  
15 The Thing, to be kind of a very powerful ugly guy who  
16 would be pathetic because -- they all got their  
17 superpowers by being in a spaceship that was hit by cosmic  
18 rays. And Mr. Fantastic got the ability to stretch his  
19 limbs. The girl Sue Storm had the ability to become  
20 invisible and surround herself with the force field. And  
21 the boy Johnny Storm, her brother, was able to burst into  
22 flame and fly.

23 I took that from an old Marvel book, one of  
24 Timely Comics' first books called The Human Torch. I  
25 always loved that character who had been an android, a

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2 robot or something. But I felt I'm going to give Johnny  
3 Storm that power. He can fly and burst into flame.

4 So we had a guy who can stretch, a girl who  
5 could be invisible, a man who was an ugly monster. And  
6 again, to go against type, I thought I'd make the ugly  
7 monster kind of a funny guy. He's pathetic, but he's also  
8 the comedy relief. And he was always arguing and fighting  
9 with The Human Torch, who was always trying to give him a  
10 hot foot. And he was always trying to grab him and  
11 throttle him.

12 They all loved each other, but they never got  
13 along well. The more they fought amongst themselves, the  
14 more the readers loved it. And that was the way I  
15 envisioned them.

16 (Lee Exhibit 7 marked for identification.)

17 Q. Now I'm going to mark as Lee I believe it's 7,  
18 the next exhibit.

19 A. There's no little blue thing.

20 Q. I'll get you there. It's a document that's  
21 actually a magazine entitled "Alter Ego, the Comic Book  
22 Artist Collection."

23 And are you familiar with the Alter Ego?

24 A. Oh, yes. It's a well known fanzine.

25 Q. And is a man by the name of Roy Thomas --

1 S. LEE

2 A. Right.

3 Q. And then it says, Story No. 1, Introduction,  
4 "Meet the Fantastic Four."

5 Is that the synopsis that you wrote back in  
6 1961?

7 A. This is the original synopsis that I wrote,  
8 and I gave it to Jack. And of course, after that we  
9 discussed it, and we embellished it, and we made little  
10 changes. But this was the beginning of it. Yeah.

11 Q. You mentioned in your note to Mr. Thomas that  
12 you hadn't saved others because you didn't think anyone  
13 would ever -- did you create other synopses from time to  
14 time?

15 A. Oh, yeah.

16 Q. In the article on the first page, and I will  
17 just read it to you, it says, Mr. Thomas writes,  
18 "Actually, this wasn't the first early 60s synopsis of  
19 Stan's I'd seen."

20 And it says, "See later part of the article.  
21 And when I had gone to work for him in July 1965, I had  
22 learned that he was increasingly dispensing with written  
23 synopses with Marvel artists, often working merely from  
24 brief conversations in person or over the phone."

25 A. That's right.

1 S. LEE

2 MR. TOBEROFF: If I could just look at Stan's.

3 MR. QUINN: I will tell you. It's Volume 2  
4 No. 2, the Summer of 1998.

5 MR. TOBEROFF: Thanks.

6 Q. BY MR. QUINN: Now looking at let's turn the  
7 page over to page 34. And I'm going to read a portion of  
8 the article that's quoting you. Mr. Thomas writes, "In  
9 answer to my earlier query, Stan sent a few comments along  
10 with the synopsis."

11 And then he quotes you, "Incidentally, I  
12 didn't discuss it with Jack first," referring to the  
13 synopsis. "I wrote it first after telling Jack it was for  
14 him because I knew he was the best guy to draw it." And  
15 you go on, "PS, as you are probably aware, the biggest  
16 change that was made after the synopsis was written was I  
17 decided to make the thing more sympathetic than originally  
18 intended."

19 A. Right.

20 Q. After giving -- "After seeing the way Jack  
21 drew him, I felt it was too obvious for such a ugly  
22 monstrous looking guy to act in a typically monstrous,  
23 menacing way."

24 Do you recall sending that note to Mr. Thomas?

25 A. Yes.

1 S. LEE

2 Q. And what were you referring to?

3 A. Well, I was referring to what I mentioned  
4 before. I would very often give a writer a synopsis or an  
5 oral synopsis what I wanted, and then later when the story  
6 was penciled, I would look at it and say, well, maybe we  
7 should change this or maybe make this character a little  
8 more that way. And as I mentioned with The Thing, when I  
9 saw the way he looked, I thought it would be dull. We got  
10 a guy who looks like a monster. If he just acts like a  
11 monster, a dumb monster, it would be more interesting to  
12 give him a real personality. And actually the guy -- some  
13 of you were too young to know him, but I thought of Jimmy  
14 Durante, an old comedian.

15 Q. Sadly, I'm not too young to know him.

16 A. I tried to have the thing talk a little like  
17 Jimmy Durante, have that kind of an explosive personality.  
18 So...

19 Q. The article on the next page, there's several  
20 numbered paragraphs. And No. 5 talks about, and I will  
21 just read it into the record:

22 Re the idea of Sue remaining permanently  
23 invisible and having to wear a humanoid face mask  
24 to be seen, well, Stan's note at the end of that  
25 paragraph indicates that he was already

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2 rethinking that bit. He asked Jack to talk with  
3 him about it because "maybe we'll change this  
4 gimmick somewhat." Since the writer, editor, and  
5 artist probably discussed this point before Jack  
6 started drawing any number of other changes,  
7 including the notion of starting with a  
8 multi-page action sequence may have been  
9 suggested, then, as well by either man. In any  
10 event, Sue gained control of her invisibility  
11 almost at once.

12 A. That's right.

13 Q. What were you referring to there?

14 A. Well, I think either Jack or I or both of us,  
15 I don't know, must have thought at some point that she'd  
16 always be invisible, and she'd have to wear a mask or  
17 something so people would see her.

18 Q. Right.

19 A. And whether it was my idea or not, as I  
20 thought about it, I thought, that's a lousy idea. So we  
21 decided to change it where she could look like a normal  
22 person and make herself invisible at will or make herself  
23 normal at will.

24 Q. And who in this process had the ultimate  
25 decision to decide how that was going to come about?

1 S. LEE

2 A. Well, I did. I was the editor.

3 Q. And turning over to the next page of the  
4 article, up on the actually the crossover page 37, there's  
5 another document that's recreated that says, Synopsis for  
6 Fantastic -- Synopsis for Fantastic Four No. 8 "Prisoners  
7 of Puppetmaster."

8 Do you recognize that as another of the  
9 synopses you created in connection with Fantastic Four?

10 A. I hadn't read that for so many years, but,  
11 yeah, that seems to be mine. I didn't even know this was  
12 in here. Wow. Yeah. See, instead of telling him page by  
13 page, I would say, Devote five pages to this, five pages  
14 to that, and three pages to that. Yeah.

15 Q. That was typical of how you were working  
16 utilizing the Marvel method?

17 A. Yeah. Sometimes I wouldn't even be this  
18 specific. And I wouldn't have cared if Jack devoted,  
19 let's say, six pages to this and he changed that to three  
20 pages. Just so he got the idea what I had this mind. But  
21 he was good at making his own changes, and very often he'd  
22 improve them. But, yeah, this is mine.

23 Q. Let's go to another character, The Silver  
24 Surfer.

25 A. Oh, yeah.



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2 Q. Could you tell us how the Silver Surfer came  
3 about?

4 A. Right. I wanted to have a villain called  
5 Galactus. We had so many villains who were so powerful.  
6 I was looking for somebody who would be more powerful than  
7 any. So I figured somebody who is a demigod who rides  
8 around in space and destroys planets.

9 I told Jack about it and told him how I wanted  
10 the story to go generally. And Jack went home, and he  
11 drew it. And he drew a wonderful version. But when I  
12 looked at the artwork, I saw there was some nutty looking  
13 naked guy on a flying surfboard.

14 And I said, "Who is this?"

15 And he said -- well, I don't remember whether  
16 he called him the surfer or not. He may have called him  
17 the surfer. But he said, "I thought that anybody as  
18 powerful as Galactus who could destroy planets should have  
19 somebody who goes ahead of him, a herald who finds the  
20 planets for him. And I thought it would be good to have  
21 that guy on a flying surfboard."

22 I said, "That's wonderful." I loved it. And  
23 I decided to call him The Silver Surfer, which I thought  
24 sounded dramatic.

25 But that was all. He was supposed to be a

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2 herald to find Galactus his planets. But the way Jack  
3 drew him, he looked so noble and so interesting that I  
4 said, "Jack, you know, we ought to really use this guy. I  
5 like him."

6 And I tried to write his copy so that he was  
7 very philosophical, and he was always commenting about the  
8 state of the world and: Don't you human beings realize  
9 you live in a paradise. Why don't you appreciate it? Why  
10 do you fight each other and hate each other? And I had  
11 him talking like that all the time. And the college kids  
12 started to love him. And whenever I would lecture at a  
13 college, and there was a question-and-answers period, it  
14 was inevitably the Silver Surfer that they would talk  
15 about the most. So I was very happy with him.

16 But that's how it happened accidentally. I  
17 mean, I had nothing -- I didn't think of him. Jack -- it  
18 was one of the characters Jack tossed into the strip. And  
19 he drew him so beautifully that I felt we have to make him  
20 an important character.

21 Q. And this is -- you talked about it before that  
22 artists were expected as part of their job to populate the  
23 story with characters?

24 MR. TOBEROFF: Misstates testimony.

25 Q. You can answer.

1 S. LEE

2 A. Pardon me?

3 Q. You can answer.

4 A. Oh. You see, if there's a story where the  
5 hero goes, let's say, to a nightclub, so I would say or  
6 whoever the writer is would say the hero goes to a  
7 nightclub, and he talks to this person, and then there's a  
8 gun fight. Well, when the artist draws it, the artist has  
9 to draw other people in the nightclub. So the artist is  
10 always creating new characters. I mean, the artist might  
11 decide to have the character standing at the bar and draw  
12 a sexy-looking bartender, a female or an interesting  
13 looking bartender.

14 The artist in every strip always creates new  
15 characters to flesh out the strip and to make the  
16 characters living in the real world. Sure.

17 Q. Who is it up to? Who had the last word as to  
18 whether or not a particular character would make it into  
19 the final publication?

20 A. Well, I guess I did, and my publisher Martin,  
21 who might also look at a character and say, I like him,  
22 let's see more of him, although he didn't do it that  
23 often.

24 Q. Did he ever say I didn't like --

25 A. Yeah.

1 S. LEE

2 Q. -- a particular character?

3 A. Yeah, mostly in Westerns. He was big on our  
4 Western books. And sometimes he wouldn't like the way a  
5 character was drawn.

6 Q. Let's talk a little bit about the Spider-Man.  
7 How did the idea for Spider-Man come about?

8 A. Again, I was looking for -- Martin said,  
9 "We're doing pretty good. Let's get some more  
10 characters." So I was trying to think of something  
11 different. And I have always hated teenage sidekicks, so  
12 I felt it would be fun to do a teenager who isn't a  
13 sidekick but who is the real hero. So that part was easy.

14 But then you had to -- the toughest thing is  
15 dreaming up a superpower. So I thought, What superpower  
16 can I give him? And it finally occurred to me, a guy who  
17 could stick to walls like an insect, crawl on a wall and  
18 stick to a ceiling. I didn't recall ever having seen any  
19 character like that before. So I thought that's what I'll  
20 do. I'm going to get a teenager who can crawl on walls.

21 But then the second most important thing is a  
22 title. Titles are very -- the names of the characters are  
23 very important. So I went down the list. Could I call  
24 him Mosquito Man? insect Man? fly Man? And I got to  
25 Spider-Man. It sounded dramatic. And I remember I had

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2 read a pulp magazine when I was a kid called Spider-Man.  
3 The guy didn't have a superpower. He was just a guy who  
4 went around fighting bad guys. But I thought Spider-Man  
5 sounds great.

6 And again, I went to Jack. I think I told you  
7 this before, but --

8 Q. It's okay.

9 A. I went to Jack and asked him to draw it, and  
10 he did, but he didn't make the teenager look as wimpy or  
11 as nerdy as I thought he should. And I realize that  
12 really isn't Jack's style. Jack mostly draws glamorous  
13 heroic Captain America type. Not that he couldn't have  
14 but he would have had to force himself. So I figured I  
15 will get somebody that it comes easy to.

16 And nobody, Jack nor I nor anybody, thought  
17 that Spider-Man was going to be a big strip, so it didn't  
18 matter. So I said, "Forget it, Jack. I will give it to  
19 someone else." He said okay and he went back to Fantastic  
20 Four or Thor or whatever he was drawing, and I gave it to  
21 Steve Ditko. And Steve had that kind of awkward feeling.  
22 It was just right for Spider-Man, so I gave it to Steve.  
23 And that's what happened.

24 Q. Now, did you discuss the idea that you had for  
25 Spider-Man with Mr. Goodman?

1 S. LEE

2 spiders. Secondly, you can't make him a  
3 teenager. Teenagers can just be sidekicks. And  
4 finally, problems? Don't you know what a  
5 superhero is? They don't have problems. They're  
6 superheroes.

7 So I had a feeling I hadn't hit pay dirt with  
8 that one as far as Martin was concerned, but I always  
9 liked the idea. So sometime later we had a magazine we  
10 were going to drop. It was called Amazing Fantasy.  
11 Strangely enough, Steve Ditko had drawn all the stories in  
12 that one, now that I remember. Anyway, it wasn't selling  
13 well, and we were going to drop it.

14 Now, when you drop a magazine, nobody cares  
15 what you put in the last issue because you're dropping it  
16 anyway. So just to get it out of my system, that's when I  
17 asked Jack to draw it. Then I asked Steve to draw it.  
18 And we did a little, I don't know, 10- or 12-page story.  
19 And we threw it in Amazing Fantasy in the last issue. And  
20 just for fun, I put him on the cover.

21 And the book sold fantastically. So a couple  
22 months later when the sales figures were in, Martin came  
23 to me and he said, "Hey Stan, you remember that Spider-Man  
24 idea of yours that we both liked so much? Why don't we  
25 make a series of it."

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2 MR. TOBEROFF: Okay.

3 Q. BY MR. QUINN: In any event, let me go back to  
4 something you testified about a little while ago when we  
5 were talking about the process of where artists sometimes  
6 create characters as part of the story. And you  
7 mentioned, for example, the possibility of an artist  
8 creating a lady bartender.

9 Whose job or whose responsibility, if it was  
10 decided that this was really an interesting character, who  
11 would be the one who would make the decision to take that  
12 character and make him or her a separate character for a  
13 new comic?

14 A. Well, either whoever is the Editor or the  
15 Publisher.

16 Q. So at this period of time it would be you or  
17 Mr. Goodman?

18 A. At that period it would have been me or  
19 Martin.

20 Q. So, for example, with regard to the Silver  
21 Surfer, who decided to essentially take the Silver Surfer  
22 and make him a separate character?

23 A. Oh. Me.

24 Q. And why?

25 A. Why?

1 S. LEE

2 Q. Why did you decide to do that?

3 A. Because I just thought he was such an  
4 interesting looking and such a unique character. We had  
5 never seen a guy on a flying surfboard who could travel  
6 from planet to planet.

7 Q. And it was you who gave him the name Silver  
8 Surfer?

9 A. Yes.

10 Q. Okay. Let's go now to the Incredible Hulk.  
11 And could you tell us how The Incredible Hulk came about?  
12 What was your idea for him?

13 A. Well, same thing. I was trying to -- it was  
14 my job to come up with new characters and to expand the  
15 line as much as I could. So I was trying to think again  
16 what can I do that's different. I liked the thing very  
17 much, and I thought, what if I get somebody who is a real  
18 monster? And I remembered I had always in the old movie  
19 Frankenstein with Boris Karloff I had always thought that  
20 that monster was the good guy because he didn't want to  
21 hurt anybody, but those idiots with torches who were  
22 always chasing him up and down the hills.

23 Q. He was a misunderstood monster.

24 A. A mis -- you said it better than I could have.  
25 So I thought it would be fun to get a monster



1

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2 who is really good but nobody knows it, and they fight  
3 him. But then the more I thought about it, I figured it  
4 could be dull after awhile just having people chasing a  
5 monster. And I remember Dr. Jekyll and Mr. Hyde. I  
6 thought, why not treat him like Jekyll and Hyde? He's  
7 really a normal man who can't help turning into a monster,  
8 and it would make a very interesting story if when he  
9 needs his monstrous strength the most, the poor guy turns  
10 back into a normal man. I could get a lot of story  
11 complications. So I thought that would be good.

12 I needed a name. Years ago I remember there  
13 was a comic book called The Heap, H-E-A-P. I don't  
14 remember even what he was, but I always thought that was  
15 some real crazy name. And somehow or other I thought I  
16 will call him The Hulk. It's a little like The Heap, and  
17 it has that same feeling. But I love adjectives like the  
18 Fantastic Four, the Uncanny so-and-so. So I decided I'll  
19 call him The Incredible Hulk. And that's what happened.

20 Q. And how come The Hulk is green?

21 A. That's a long story. When I did the Fantastic  
22 Four, we started getting a lot of fan mail. And the fan  
23 -- remember, I told you I didn't want them to have  
24 costumes. And the fan mail said, We love the book. It's  
25 great. Oh, it's the best new thing we've seen. But if

1 S. LEE

2 you don't give them costumes, we'll never buy another  
3 issue. And I realize there's something unique about the  
4 comic book reader. They love -- the superhero fan. They  
5 love costumes.

6 Well, I couldn't figure out a way to give a  
7 monster a costume. I couldn't see a monster, The Hulk,  
8 walking into a costume store or making one for himself.  
9 So I figured I'll do the next best thing. I'll give him a  
10 different skin color. That will always look like a  
11 costume.

12 You may not know this, but originally I made  
13 him gray. I thought that a gray skin would look spooky  
14 and scary and dramatic. But when the book was published,  
15 the printer apparently had a problem with the color gray.  
16 On one page he was light gray. On one page dark gray. On  
17 one page black. On one page almost white. I said, This  
18 will never do. So I decided on another color. See, you  
19 can do that when you're a comic book editor. You can do  
20 anything.

21 So I will change the color of his skin. So I  
22 looked around for a color that wasn't being used. I  
23 couldn't think of any green hero. I said, I will make him  
24 green. And it turned out to be a good choice, because I  
25 was able to come up with little sayings like, The Jolly

1 S. LEE

2 Green Giant, or the Green Goliath, and so forth. And  
3 that's how it happened. I could have thought of pink or  
4 blue or any other color.

5 Q. Now, after you came up with the character, who  
6 did you ask to draw the character?

7 A. My best guy, Jack Kirby.

8 Q. And do you remember giving Kirby directions as  
9 to what you wanted with regard to what he was to draw?

10 A. I remember the first thing I said to him. I  
11 said, Jack, you're going to think I'm crazy, but I want  
12 you to draw a sympathetic monster. And he came up with  
13 The Hulk.

14 Q. And did you, as part of that direction, give  
15 him a back story and a story line?

16 A. Oh, yeah. We had to figure out how The Hulk  
17 would be -- how he came to be The Hulk. So I decided he's  
18 a scientist named Bruce Banner. And I'm not very  
19 scientific. All I know are the names of things. I don't  
20 really know how they work or anything. But I had used  
21 cosmic rays for the Fantastic Four to get them their  
22 powers. So I heard the expression "gamma ray" somewhere.  
23 So I said let's let Bruce Banner be subjected to a gamma  
24 ray, and that turns him into The Hulk. But it had to be  
25 in a heroic way. So I said let's get a teenage -- they're

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2 doing a test for a new kind of gamma ray bomb somewhere.  
3 The military is doing that. And some idiot teenager is  
4 riding his bike past the no trespassing sign onto the test  
5 area. And Bruce Banner in his cubicle sees the kid, and  
6 he runs out to save the kid, say, "Get out of here.  
7 There's going to be a gamma ray explosion."

8 But Bruce Banner had a rival scientist who was  
9 jealous of him, and when the scientist sees Bruce Banner  
10 run out, he says, "Quick. Start the explosion." And the  
11 gamma ray explodes, and Bruce throws himself on top of the  
12 kid to save the kid, and he gets subjected to the gamma  
13 ray. That's how he becomes the Hulk, and that's how we  
14 know he's really a hero at heart.

15 Q. And in creating and then coming up with the  
16 back story, did you --

17 MR. TOBEROFF: Assumes facts not in evidence.

18 Q. -- as The Hulk progressed, did you follow the  
19 same process that you previously testified to in terms of  
20 how you directed and edited The Hulk stories?

21 A. Yeah. Well, I told Jack essentially what I  
22 told you. And he just drew it any way, you know, the best  
23 way he could. And it turned out great.

24 Q. Let's talk a little -- let's talk about Iron  
25 Man. Tell us about how Iron Man came about, how he was

1 S. LEE

2 created, the back story with regard to Iron Man.

3 A. I will try to make it shorter. It was the  
4 same type of thing. I was looking for somebody new. And  
5 I thought -- I don't know why I thought it, somebody in a  
6 suit of armor. And what if it was iron armor. He would  
7 be so powerful. So for some reason I have always been  
8 fascinated by Howard Hughes. I thought I would get a hero  
9 like Howard Hughes.

10 He's an inventor. He's a multimillionaire.  
11 He's good looking. He likes the women. And but I got to  
12 make something tragic about him. And then it occurred to  
13 me if he -- somehow when he got his iron armor -- it's a  
14 long story -- but he gets into a fight, and he gets  
15 injured in his chest. And his heart is injured, and he  
16 has to wear this little thing that runs the iron armor.  
17 He has to wear that on his chest because it also keeps his  
18 heart beating. And that would make him a tragic figure as  
19 well as the most powerful guy. So I thought the readers  
20 would like him even more with that little bit added to it.

21 And that was it. Then again -- oh, but wait a  
22 minute. This one wasn't Jack. I called Don Heck, and I  
23 asked Don Heck because I think Jack was busy with  
24 something else. That must have been what it was.

25 Q. Don Heck is another artist?

1 S. LEE

2 A. He's another artist that we had who was pretty  
3 good. And he drew the first Iron Man. I think I might  
4 have given the cover to Jack to do. I don't remember who  
5 did the cover. I think it might have been Jack.

6 Q. And in coming up with the back story, did you  
7 include a love interest?

8 A. Oh, yeah. I forgot. I made up a name called  
9 -- a girl who worked for the millionaire. I figured he  
10 has -- I wanted him to be a playboy, so he has this  
11 gorgeous assistant secretary named Pepper Pots. And he's  
12 in love with her, and she's in love with him, but he won't  
13 admit he's in love with her because he figures he could  
14 die any minute with his bad heart. And he loves her too  
15 much to make her a widow, and so he never admits to her  
16 how he feels about her, which again is a little touch of  
17 pathos for the series.

18 He also has a friend named Happy hogan, and it  
19 goes on and on.

20 Q. Now, in addition to Don Heck, did your brother  
21 Larry Lieber have a role in Iron Man?

22 A. Oh, yeah. I came up with the idea, but when  
23 the script was -- when the strip was drawn, I didn't have  
24 time to put in the copy. So I asked my brother Larry to  
25 write it.

1 S. LEE

2 Q. And this happened on other occasions where --

3 A. Yeah. There were times when I would ask Larry  
4 to write something. Mm-hmm.

5 Q. Now let's talk --

6 A. Excuse me one second. I may have asked Larry  
7 to write it in script form and then give it to Don to  
8 draw. I'm not sure. I may have done that.

9 Q. Let's talk next about Thor.

10 A. Mm-hmm.

11 Q. And how Thor was created and what was your  
12 idea behind Thor.

13 A. Same thing. I was looking for something  
14 different and bigger than anything else. And I figured  
15 what could be bigger than a god? Well, people were pretty  
16 much into the Roman and the Greek gods by then, and I  
17 thought the Norse gods might be good. And I liked the  
18 sound of the name Thor and Asgaard and the Twilight of the  
19 Gods' Ragnarok and all of that.

20 And Jack was very much into that, more so than  
21 me. So when I told Jack about that, he was really  
22 thrilled. And we got together, and we did Thor the same  
23 way.

24 Q. And what was the idea behind Thor? What was  
25 his deal?

1 S. LEE

2 A. I wanted him to be --

3 MR. TOBEROFF: Excuse me. Objection. Vague  
4 and ambiguous.

5 Q. You can answer.

6 A. I wanted him to be the son of Odin, who is the  
7 King of the Gods, like Jupiter. And I wanted him to have  
8 an evil brother, Loki. And just like the Fantastic Four  
9 were always fighting Dr. Doom, and Spider-Man was usually  
10 fighting the Green Goblin, I figured Loki would be the big  
11 villain. He's Thor's half brother. He's jealous of Thor.  
12 He has enchantment powers. So in a way he's a good foe.  
13 Thor has strength, but Loki is like a magician and can do  
14 all kind of things. So that seemed good to me.

15 And then Thor had a girlfriend from legend  
16 called Sif, S-I-F. And I would have her involved in the  
17 stories and have jealousy.

18 And then I wanted some comedy relief, so it  
19 wasn't -- I don't think it was until the strip had been  
20 going for a while, but I decided there were three guys. I  
21 called them The Warriors 3 that I wanted to include, a  
22 very fat guy named Volstag, The Voluminous Volstag, I  
23 called him, who acts like a real hero. "Come on, let's go  
24 get them." But when the fights start, he's cowardly and  
25 always holds back.



1 S. LEE

2 Another guy like Errol Flynn called Fandral  
3 the Dashing. And a guy like Charles Bronson in Death  
4 Wish. I think I called him Hogan the Grim. And the three  
5 of them, Fandral the Dashing, Hogan the Grim, and Volstag  
6 the Voluminous I thought they could be Thor's friends, and  
7 they would provide comedy relief. And I'm happy to see  
8 they're using them in the movie, I think.

9 And it was something that we both enjoyed  
10 doing very much. And Jack was wonderful with the costumes  
11 that he gave them. I mean, nobody could have drawn  
12 costumes like he gave them.

13 Q. The character Thor, how did -- what idea did  
14 you have to come up to give him his powers?

15 A. Well, he had --

16 Q. What was the back story?

17 MR. TOBEROFF: Assumes facts.

18 A. Oh, yeah. He had mainly a hammer, an  
19 enchanted hammer. The back story was I decided to make  
20 him a guy here on Earth, Dr. -- I forgot his name. But  
21 whatever his name was, he was lame and he walked with a  
22 cane. And for some reason he went to Norway, and there he  
23 -- I think -- the Stone-Men from Saturn or somewhere.  
24 Some aliens who were stone men had landed in Norway and  
25 they wanted to kill our doctor.

1 S. LEE

2 And he rushes into a cave somewhere to hide  
3 from them. And they're coming toward him, but he sees a  
4 hammer in the ground, and some kind of a sign that said --  
5 I don't remember the exact wording, but, Whoever is worthy  
6 would be able to lift this hammer, sort of like the King  
7 Arthur legend. And he grabs the hammer, and he's able to  
8 lift it up.

9 And it seems that destiny had prepared that  
10 for him over the centuries. The minute it lifts it up, he  
11 turns into The Thunder God Thor, and wielding the hammer  
12 he takes care of the Stone-Men. And then he can always  
13 become Dr. Don Blake. That was his name. I believe Don  
14 Blake. If he hits the hammer on the ground, it turns back  
15 into the cane that he always had because he was lame. He  
16 walked with a cane as Don Blake, Dr. Don Blake.

17 So he's a surgeon, who walks with a cane, but  
18 when he hits the cane on the ground, he turns into the  
19 mighty Thor, God of Thunder. And that was the idea.

20 Q. You have a lot of doctors. Do you have any  
21 lawyers in this whole process?

22 A. Maybe next time. Next go round. We do have a  
23 lawyer Daredevil.

24 Q. Daredevil. Tell me about Daredevil.

25 A. Yeah. Same thing. Oh, by the way. I think

1 S. LEE

2 Thor also was written by my brother. After I came up with  
3 the outline, I think Larry wrote the first script.

4 Now, let me see. Daredevil.

5 Q. Daredevil. I want to hear about the lawyer.

6 A. Again I'm trying to think of what can I do  
7 that hasn't been done. And it occurred to me --

8 Q. Well, certainly making a lawyer a hero would  
9 fall into that category. But, in any event, go ahead.  
10 Tell me about Daredevil.

11 A. After this is over, I want him to write for  
12 us.

13 I figure I will get a blind man and make him a  
14 hero. And how you do that. So I said, what if all his  
15 other senses are very acute? What if he can hear so well  
16 that he can tell if you're lying to him because he hears  
17 your pulse rate speed up, your heart beat. And he can  
18 smell so well he can tell if a girl has been in a room.  
19 He could smell her cologne even if it was two days ago.  
20 You know, you get your balance through your ears.

21 So he's like an acrobat, like a circus  
22 tightrope walker. He can do anything any trained athlete  
23 can do. And on and on. And I figured that's kind of  
24 good. Oh, and he has a radar sense and a sonar sense. So  
25 when he's Daredevil, nobody knows he's blind. He is like

1 S. LEE

2 the greatest circus acrobat.

3 However, he has a law office. His name was  
4 Murdock, Matt Murdock. And he had a friend named Foggy  
5 Nelson. For some reason I called him Foggy. And they  
6 have a law firm called Nelson and Murdock. And I have him  
7 fighting villains who weren't too super. He didn't fight  
8 monsters or anything. I tried to keep the strip a little  
9 more realistic. But I loved the character.

10 And Jack was busy, and Steve Ditko was busy.  
11 Everybody was busy, but there's an artist named Don Heck  
12 -- not Don Heck, I'm sorry -- named Bill Everett who had  
13 done one of the first strips that Martin Goodman ever had  
14 when he started Timely Comics. And that was the  
15 Sub-Mariner. And Bill was still around, and I called  
16 Bill, and I said, "How would you like to draw Daredevil?  
17 And he said, "Oh, great." So I gave him what I told you  
18 essentially, little more because I forget who the villain  
19 was in the first story. But whatever it was, that's what  
20 I told him.

21 And he drew it, and I put in the copy. And  
22 it's a shame Bill was ill or something. I don't know. He  
23 couldn't do too many strips. He did one or two and then  
24 that was the end of it.

25 Q. Keeping with our discussion, could you tell us

1 S. LEE

2 about the creation of X-Men? How did that come about?

3 A. Again, Martin asked me for another team  
4 because the Fantastic Four had been doing well. And again  
5 I wanted to try something different. And I thought what  
6 -- I could think of superpowers for them, but how do they  
7 get their powers? I have already had cosmic rays and  
8 gamma rays and bitten by a radioactive spider. What was  
9 left?

10 So I took the cowardly way out. I said I'm  
11 going to just say they were born that way. They're  
12 mutants. Now I don't have to figure out gamma rays or  
13 anything. So I decided to have a group of young mutants.  
14 And I really, the more I thought about it, the more I  
15 liked it. I said, they'll go to a school. They have to  
16 keep their mutant powers secret, so it will just say a  
17 School for Gifted Youngsters. Nobody will know it means  
18 mutants.

19 And we'll get a professor who gets them  
20 together. And this guy should also have mutant powers,  
21 but I will make him have mental powers. He's got a brain.  
22 He can send thought waves all around, and he can send his  
23 thought waves around to detect where there's a kid with  
24 mutant powers, and then he'll ask that kid to enroll in  
25 his school. And again, so that he isn't too powerful, I

1 S. LEE

2 thought I would make him in a wheelchair. He's the  
3 professor.

4 Q. And what was his name?

5 A. Professor Xavier.

6 And then I thought of the characters. There  
7 would be a girl who can do -- called Marvel Girl, who  
8 could do crazy things, and a fella called The Beast, who  
9 looks a little bit apelike. So to go against type, I made  
10 him the smartest and the most articulate of all of them.  
11 And a guy named The Angel with wings, and so forth.

12 And when I went to tell the idea to Martin  
13 Goodman, I said -- he loved it, but I said, "I want to  
14 call it The Mutants."

15 He said, "That's a terrible name. Nobody  
16 knows what the word "mutants" means." So I went back, and  
17 I thought about it. And I thought Professor X, Xavier.  
18 And the mutants have extra powers. For some reason I  
19 thought I could call them the X-Men. So I went back to  
20 Martin. He said, "Oh, that's a good name." And as I  
21 walked out, I thought, if nobody knows what a mutant is,  
22 how were they going to know what an X-Man is? But I had  
23 my name, so I wasn't about to make waves.

24 Q. And you gave the -- this --

25 A. Oh, yeah, luckily --

1 S. LEE

2 Q. -- idea to Kirby?

3 A. Luckily, Jack was free at the time. And  
4 again, he did a wonderful job.

5 Q. Did you, again, with X-Men follow the same  
6 pattern you testified before, using the Marvel method?

7 A. Yeah. I spoke to him. I don't even think I  
8 wrote anything. I think we talked about it. And he was  
9 on absolutely the same wave length. He saw it the way I  
10 did. So I said, "Go on and draw it." And he did, and it  
11 came out great. And I wrote the copy, and it became one  
12 of our best-selling strips.

13 Q. Next Nick Fury. Tell us about Nick Fury.

14 A. Nick Fury, Agent of S.H.I.E.L.D. There was a  
15 television series called The Man from U.N.C.L.E. that I  
16 used to watch and I liked it. And I thought it would be  
17 fun to get something like that as a comic book.

18 So I remembered we had done a war series  
19 called Sgt. Fury and his Howling Commandos, Stories of  
20 World War II. And it was quite popular. I don't really  
21 like war stories, so after a few years of doing it I asked  
22 Martin if we could drop the book so we could concentrate  
23 on superheroes. And he said okay. But we got a lot of  
24 fan mail. The kids loved the characters. And we kept  
25 reprinting those books, and they sold as well as the

1 S. LEE

2 originals.

3 So when I wanted to do the thing like The Man  
4 from U.N.C.L.E., I thought why don't I take that popular  
5 Sgt. fury that was years ago in World War II, why don't I  
6 say he's older now and he's a colonel, and he's in charge  
7 of this new outfit that I made up, S.H.I.E.L.D, which  
8 stood for the Supreme Headquarters International Law  
9 Enforcement Division. So I took Sgt. Fury, who now has a  
10 patch over one eye, and made him in charge of this group.

11 And again, there was Jack Kirby. I said, "How  
12 would you like to draw Nick Fury, Agent of S.H.I.E.L.D.  
13 And it was right up Jack's alley. He loves that kind of  
14 stuff. And he came up with all kind of weapons and  
15 things.

16 Q. And again, you had the same process of  
17 overseeing and editing it?

18 A. Yeah. It was always the same process.

19 Q. Let's focus on The Avengers. How did The  
20 Avengers come about? First, tell us who The Avengers are.

21 A. Well, they're anybody that we wanted to put in  
22 the group of our own heroes. I don't even remember who  
23 they were in the first issue. It might have been Iron  
24 Man, Captain America, Thor, Daredevil. I don't even  
25 remember because we kept changing the roster each month,



1 S. LEE

2 whoever we felt like.

3 But the idea was that they were organized by  
4 -- I don't remember which of our heroes organized. Oh,  
5 they got together and decided to become a fighting team.  
6 Again we wanted something like The Justice League that DC  
7 had.

8 Q. Had you discussed the idea for The Avengers  
9 with Martin Goodman?

10 A. Oh, sure. Oh, sure. I couldn't do any book  
11 unless Martin approved of it. And I remember Iron Man who  
12 was the rich one. I had them use Iron Man's mansion on  
13 Fifth Avenue as The Avengers' headquarters, and Captain  
14 America was definitely an Avenger. Iron Man. And  
15 Spider-Man never joined them; he was a loaner.

16 But then I would have them -- the toughest  
17 thing about The Avengers, they were also powerful that we  
18 had to find very powerful villains for them to fight. And  
19 again, you know, Jack drew it, and it turned out to be  
20 popular. They're going to make a movie of that, too.

21 Q. You needed to have very powerful villains to  
22 make it a fair fight.

23 A. Oh, sure. In fact, it's always best if the  
24 villain -- if it isn't a fair fight; if the villains seem  
25 even more powerful, because then you wonder how will the

1 S. LEE

2 hero ever get out of this one.

3 Q. And who came up with the back story for The  
4 Avengers?

5 A. There really wasn't much back story. I did,  
6 but just the idea that they all get together and form a  
7 group. Because I didn't have to create new characters.  
8 We had them. I just needed an excuse for them to get  
9 together. And honestly I forget what the excuse was now.

10 Q. Let's talk a little bit about one of my  
11 favorites, Ant-Man. Tell us a little bit about why you  
12 came up with and how you came up with Ant-Man.

13 MR. TOBEROFF: Assumes facts.

14 Q. Who created Ant-Man?

15 A. What could I do that was different? I didn't  
16 know of any hero that was that big (indicating). So I  
17 thought, I'll go for it. Martin okayed it. And I don't  
18 remember if Jack did the first one or not. Maybe he did  
19 or you wouldn't be mentioning it.

20 You know, it was just -- it was not all that  
21 successful. And I later realized why it wasn't that  
22 successful. The interesting thing about a character who  
23 is that big (indicating), would be to show him against a  
24 lot of big things. But somehow no matter which artist  
25 drew him, they always made him look life size. They put

1 S. LEE

2 him in the foreground. So you didn't enjoy the contrast  
3 of this little guy next to big -- you know, if they had  
4 him near a cigarette in an ashtray, but they always had  
5 him somehow where he didn't look like Ant-Man.

6 Anyway, I hate to give up. So at some point I  
7 changed him to Giant-Man. He had the ability to become a  
8 giant.

9 Q. The ant could become a giant?

10 A. Yeah. And that didn't become too popular  
11 either, although he's still running somewhere in the  
12 books.

13 Q. Who came up with the idea of making -- having  
14 Ant Man become Giant-Man?

15 A. I'm embarrassed to say it was me.

16 MR. QUINN: Let's go off the record for a  
17 second.

18 THE VIDEOGRAPHER: Off video at 12:05 p.m.

19 (Recess.)

20 THE VIDEOGRAPHER: Back on video at 12:06 p.m.

21 Q. Just to clarify, because we may have been  
22 talking over each other. Who was it who came up with the  
23 idea for Ant-Man?

24 A. I did.

25 Q. Okay. One more we can talk about right now is

1 S. LEE

2 the raw hide kid tell us about The Rawhide Kid.

3 A. I don't really know what to tell you. Martin,  
4 the publisher, he loved Westerns. And we had a lot of  
5 Western books, and he loved the name The Kid. We had Kid  
6 called Outlaw, The Rawhide Kid, The Texas Kid. We had a  
7 few others I can't remember. He loved that word. And the  
8 Rawhide Kid was just one of the many Westerns we had.

9 And I, as far as I know, my brother had been  
10 doing most of them. He was writing and drawing them. I  
11 don't remember who started it. Maybe it was Jack that I  
12 did it with first. I probably wrote the first one.

13 But it was just -- I don't even remember.  
14 Maybe he was somebody wanted by the law, but he was really  
15 a good guy, and nobody knew it and he just rode around The  
16 West having adventures.

17 We didn't put a lot of thought into our  
18 Westerns, really. They were all pretty much alike, just a  
19 guy who is the fastest gun in the west, and he fights bad  
20 guys.

21 Q. And with The Rawhide Kid, you followed the  
22 same practice of making the assignment and then overseeing  
23 it and editing it?

24 A. Yeah.

25 Q. Switching to another subject. Do you recall

1 S. LEE

2 that sometime back in 2002 and 2003 you had a dispute with  
3 Marvel?

4 A. Oh, yes.

5 Q. And what was that dispute about?

6 A. Well, according to my contract, I was supposed  
7 to get 10% of the profits of -- Marvel's profits from the  
8 movies and television and things like that. And I felt I  
9 hadn't been getting it.

10 Q. Did during the course of that dispute did you  
11 ever say that you owned the characters and not Marvel?

12 A. No, that wasn't part of the dispute.

13 Q. And from your perspective, who did you believe  
14 owned the characters?

15 A. Say that again.

16 Q. Who did you believe owned the characters?

17 A. I always felt the company did.

18 Q. Now, do you recall during the course of that  
19 dispute that my nice friend, Mr. Fleischer over there,  
20 took your deposition?

21 A. I don't recall it, but I take your word for  
22 it. Somebody took it. I don't remember who.

23 Q. I'm going to show you a portion of that  
24 deposition --

25 A. All right.

1 S. LEE

2 Q. And when Mr. Kirby said in that interview we  
3 just heard that "The editor always has the last word on  
4 that," is that -- you agree with that?

5 A. Was he referring to the question, Would  
6 success spoiled Spider-Man?

7 Q. No, he was referring to whether Captain  
8 America was going to be sent to Viet Nam.

9 A. I didn't hear that. Well, yes. I -- if  
10 Captain America had been in this country, and one of the  
11 writers decided, hey, I think I'd like to send him to Viet  
12 Nam and let him be part of the Vietnamese war or whatever,  
13 then I would have had to say okay. Or I might have said  
14 to the writer, no, I'd rather keep him here.

15 Q. So you agree with Mr. Kirby that the editor  
16 always has the last word on that?

17 A. Yes.

18 MR. TOBEROFF: Counsel, are you going to be  
19 providing me at this deposition with a copy of these  
20 excerpts?

21 MR. QUINN: You have a copy of the excerpts in  
22 your hand.

23 MR. TOBEROFF: They're all --

24 MR. QUINN: We're going to listen to them all  
25 together.

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1 S. LEE

2 placed and where the captions go. And then the  
3 script goes to the inker. It's lettered, of  
4 course. And I have it proofread and that's it.  
5 I proofread it myself really if it's my own  
6 story.

7  
8 THE WITNESS: Wow.

9 Q. BY MR. QUINN: Is that consistent -- that's  
10 your voice, isn't it?

11 A. What I could hear sounded right, the dialogue  
12 and the captions. And it goes to the -- yeah, that was  
13 me.

14 Q. And that was the method you used?

15 A. Yeah.

16 Q. Let's go to the next excerpt, this one from  
17 the archives is marked as NYU-TV and dated March 16th,  
18 1972.

19 (Audio recording playing. Reported as  
20 follows:)

21

22 UNIDENTIFIED PERSON: Good morning. I  
23 wonder if you could tell us who you are and what  
24 you do, for people that don't know.

25 STAN LEE: My name is Stan Lee, and I

1 S. LEE

2 produce comic books. There are 50 million  
3 reasons why we change artists. Sometimes we do  
4 it because the book isn't selling well to hype up  
5 sales. Sometimes we do it because an artist is  
6 simply tired of the job. He says, if you don't  
7 take me off this thing, I will go out of my  
8 skull, and I want to do something else.

9 Sometimes we do it it's like falling  
10 dominos. An artist is late or is sick, and his  
11 book is late, so we have to take an artist off  
12 this strip to do that book quickly to make the  
13 printing date. So we have to take another artist  
14 off this book to do this book which this artist  
15 came off. Now we have to take an artist off this  
16 book to do this book, and it goes right down the  
17 line.

18

19 Q. BY MR. QUINN: Again, is that your voice we  
20 just heard?

21 A. Yeah, that was definitely me.

22 Q. And is that consistent with your recollection  
23 as to how you dealt with artists during that period of  
24 time?

25 A. Well, I caught the falling dominos part. I



1 S. LEE

2 really couldn't understand what came ahead of it, but the  
3 falling dominos was correct.

4 Q. And what do you recollect about the falling  
5 dominos?

6 A. Well, it was like if an artist couldn't do one  
7 book, you had to take another artist and give him that  
8 book, but then that artist had to be replaced on his book  
9 by another artist. And you had to keep shuffling them  
10 around.

11 Q. And who was in charge of shuffling them  
12 around?

13 A. Well, I was.

14 Q. Now we have a video. This one is dated --

15 A. That might be easier to hear.

16 Q. We can hope. This one is dated from January  
17 12th, 2000. And according to the archives in Wyoming,  
18 University of Wyoming, it is an interview video that was  
19 done and distributed by the, I guess, Disney Feature  
20 Animation.

21 Why don't we play this one.

22 (Video recording playing. Reported as  
23 follows:)

24

25 STAN LEE: Years later, Jack came back. I

1 S. LEE

2 Q. Those three you have no clear recollection  
3 of --

4 A. That's right.

5 Q. -- one way or the other?

6 A. That's right.

7 Q. The question I have for you really is very  
8 simple. You testified at some length over the last few  
9 hours about the manner in which characters were created at  
10 Marvel.

11 A. Mm-hmm.

12 Q. And was that same method used in connection  
13 with the creation of the characters that are set forth on  
14 Schedule A?

15 A. I'm sorry, would you say the last part of  
16 that?

17 Q. Was the same method used in the creation of  
18 the characters that are set forth on Schedule A?

19 A. Oh, yeah. Sure.

20 Q. It was the same kind of method?

21 A. Right.

22 MR. TOBEROFF: Are you referring to the Marvel  
23 method?

24 MR. QUINN: The methodology that he's  
25 testified to over the last several hours is what I'm

1           So I tried to write these -- knowing Jack  
2       would read them, I tried to write them to make it look  
3       as if he and I were just doing everything together, to  
4       make him feel good. And we were doing it together.

5           But with something like Galactus, it was me  
6       who said, "I want to do a demigod. I want to call him  
7       Galactus."

8           Jack said it was a great idea, and he drew a  
9       wonderful one and he did a great job on it. But in  
10      writing the book, I wanted to make it look as if we did  
11      it together. So I said we were both thinking about it,  
12      and we came up with Galactus.

13          I didn't know it would be a subject of a court  
14      case later and that everything had to be precise. But  
15      I've written a lot of things, that you do it for the  
16      image. Everything I did was for image. I didn't lie,  
17      but I tried to make the artists look good. I tried to  
18      make the inkers look good.

19          Whenever I wrote about them, I wrote that they  
20      were the great -- one great example is the bullpen. We  
21      didn't have a bullpen. We had one lousy big room with  
22      a production person and two letterers in my office next  
23      to it.

24          But in my columns, I said, "You should see the  
25      Marvel bullpen. There's Jack and there's John Romita."

1 A. Oh, no. That sounds like me.

2 Q. And when did Jack leave Marvel?

3 A. I don't know. I don't know the year. I'm  
4 sure it's easy to find out. I just don't know.

5 Q. And why did Jack leave Marvel?

6 A. I think he was dissatisfied with something or  
7 thought he'd make more money somewhere else or felt he  
8 wasn't getting enough credit. I don't know.

9 Q. You don't know what he was dissatisfied with?

10 A. Not really. He never told me. He may have  
11 just been tired of having his name always linked with  
12 mine. Because when he went to DC, he did things on his  
13 own. He wrote and he illustrated his own books. So  
14 that may have been what he wanted to do.

15 MR. QUINN: Again, don't speculate. If you  
16 don't know, you don't know.

17 THE WITNESS: Oh, okay.

18 MR. TOBEROFF: I'd like to mark as Exhibit 44  
19 excerpts from David Anthony Kraft's Comics Interview,  
20 Magazine Number 85, which is published in 1990.

21 (Whereupon, Defendants' Exhibit Number  
22 LEE 44 was marked for identification.)

23 BY MR. TOBEROFF:

24 Q. Please turn to Page 83, and go to the first  
25 column on Page 83, about halfway down the page -- a

1 little more than halfway down the page.

2           You're quoted as saying, "You know, very  
3 often, in fact, most of the time after we got started,  
4 the artist did most of the plotting. I would just give  
5 him a one-liner, like, 'Let's feature Dr. Doom and he  
6 goes back in time' or something. And whoever the  
7 artist was, he'd practically do the whole story. But  
8 when I would get the artwork back, and I had to put the  
9 copy in, very often there were things that I thought  
10 didn't work or were foolish or didn't make sense or  
11 something.

12           "Instead of having the artist redraw and go  
13 through a lot of trouble, the thing that was the most  
14 fun for me was to find out how I could take that  
15 discordant element in the story and make it seem as if  
16 we purposefully did that to embellish the story. You  
17 know what I mean? And turn it into a good story point.  
18 It was like doing a crossword puzzle."

19           Do you have any reason to believe you didn't  
20 say that?

21           A. No. I'm proud of that. That was pretty  
22 clever.

23           Q. And does that accurately describe a successful  
24 Marvel method?

25           A. Yes. With some artists. Some artists I had

## EXAMINATION

BY MR. QUINN:

Q. You recall that Mr. Toberoff asked you some questions in connection with Spider-Man, and there was some testimony that you gave regarding the fact that you -- the original pages that Kirby had drawn -- Mr. Kirby had drawn with regard to Spider-Man, that you had rejected them?

A. Right.

Q. And you decided to use Ditko, Steve Ditko, instead?

A. Right.

Q. Did Mr. Kirby get paid for those rejected pages?

A. Sure.

Q. And did you have a practice at that time with regard to paying artists even when the pages were rejected by you or required large changes?

A. Any artists that drew anything that I had asked him or her to draw at my behest, I paid them for it. If it wasn't good, we wouldn't use it. But I asked them to draw it, so I did pay them.

Q. I'm going to jump around a little bit.

A. You have some filing system.

Q. I do.

1           You embellished on that already, so I don't  
2           need that. You can save that one.

3           You were asked some questions about an  
4           interview you gave, which is recorded in Lee  
5           Exhibit 37. And specifically you had stated in that  
6           interview with regard to Kirby that "he was incredibly  
7           imaginative and he did his most important writing with  
8           his drawing. When I say that, I mean that if -- that  
9           if I gave Jack a very brief idea of what I wanted for a  
10          story, he would run with it"?

11          A. That's right.

12          Q. And was there ever a circumstance where Jack,  
13          on his own, came up with a character, or was it always  
14          a circumstance that, however brief your discussion with  
15          him was, it came before he actually drew anything?

16          A. Oh, no. In the process of drawing the strip,  
17          issue after issue after issue, he would occasionally  
18          come up with a new character. Sure. All the artists  
19          did.

20          Q. With regard to the creation of the characters  
21          in question here which you testified about, did the  
22          ideas come from Mr. Kirby, or were you the one who came  
23          up with the ideas for these characters?

24          A. You mean --

25          MR. TOBEROFF: Objection. Leading.

1 BY MR. QUINN:

2 Q. You can answer.

3 A. Positions are reversed.

4 Yes, I was referring -- when -- I forgot the  
5 question. I'm sorry.

6 MR. QUINN: Okay. Read the question back.

7 Q. Listen to it carefully.

8 A. Okay.

9 (Record read as follows:

10 "Q With regard to the creation of the  
11 characters in question here which you  
12 testified about, did the ideas come from  
13 Mr. Kirby, or were you the one who came up  
14 with the ideas for these characters?")

15 MR. TOBEROFF: Well. Objection as to form.

16 THE WITNESS: I came up with the original  
17 concept of the character, and then I would discuss it  
18 with Kirby or Ditko or whoever it was.

19 BY MR. QUINN:

20 Q. So that would be true of The Mighty Thor?

21 A. Yes.

22 Q. And Spider-Man?

23 A. Yes.

24 Q. So if Mr. Kirby were to say, or somebody on  
25 his behalf were to say, that he created the idea of



1 Spider-Man and came to you with it, would that be right  
2 or wrong?

3 A. No. That's wrong.

4 Q. Now, Mr. Toberoff showed you an interview from  
5 WBIA radio in March of 1967 in which he showed you an  
6 excerpt from what some of the -- one thing you said,  
7 but he didn't show you what followed directly after  
8 that. And let me read to you what followed directly  
9 after that in Stan Lee Number 36.

10 This is the questioner, and this time it is  
11 JK, that would be Jack Kirby, talking. And this is in  
12 the context of Thor.

13 He says, "Well, not homework in the sense I  
14 went home one night and I really concentrated on it.  
15 All through the years, certainly, I've had a kind of  
16 affection for any mythological type of character and my  
17 conception of what they should look like."

18 And then he says, "And here, Stan gave me the  
19 opportunity to draw one."

20 Stan would be you?

21 A. Right.

22 Q. And then he says, "And I wasn't going to draw  
23 back from letting myself go."

24 Is that consistent with your recollection that  
25 it was you who gave Mr. Kirby the opportunity to draw

1 Q. So that's not a reference to the creation of  
2 the characters?

3 MR. TOBEROFF: Leading.

4 THE WITNESS: No.

5 BY MR. QUINN:

6 Q. And looking at Lee Number 34, "Son of  
7 Origins," that you wrote, Mr. Toberoff asked you some  
8 questions about something you wrote on Page 14, but he  
9 left out this part, where you wrote, speaking of, I  
10 believe, the X-Men, "No sooner did I discuss the basic  
11 premise with Jack, than we were off and running."

12 Is that consistent with your recollection that  
13 before Jack did any drawing, you gave him the basic  
14 premise?

15 MR. TOBEROFF: Leading.

16 THE WITNESS: Yes.

17 BY MR. QUINN:

18 Q. Did Mr. Kirby ever begin work on a book  
19 published by Marvel before you had assigned him that  
20 work?

21 A. No.

22 MR. TOBEROFF: Leading.

23 THE WITNESS: No.

24 MR. TOBEROFF: Vague.

25 THE WITNESS: At least mine are one-word

1       answers now.

2       BY MR. QUINN:

3           Q.     By the way, I think you -- there was some  
4       questioning about a man by the name of Sal Brodsky.

5           Do you remember Mr. Brodsky?

6           A.     Yes.

7           (Reporter clarification.)

8           MR. QUINN:   Brodsky, B-R-O-D-S-K-Y.   Sal.

9       BY MR. QUINN:

10          Q.     Did Sal Brodsky decide either whether or how  
11       much people were going to get paid -- people being  
12       artists were going to get paid?

13          A.     No.

14          Q.     Whose job was it to decide whether they would  
15       be paid and how much?

16          A.     Mine.   And, of course, Martin Goodman's,  
17       whenever he bothered.

18          Q.     Did Mr. Kirby bring you sketches of The  
19       Fantastic Four before you and he had talked about doing  
20       The Fantastic Four?

21          A.     No.

22          Q.     And was part of your job at Marvel, when you  
23       were editor in chief, to set deadlines for the artists?

24          A.     Always.

25          Q.     How did that work?

1           A.    Oh, I received a schedule from somebody in the  
2   company whose job that was, who worked with the  
3   printer, when the printer would need each book.

4                   Then it was up to me to figure out who should  
5   write it, who should draw it and give them enough time  
6   so that I would get the completed book in time to send  
7   it to the printer.

8                   So, for example, if I had a book that was due  
9   quickly, I would give it to Jack, who was very fast. I  
10   wouldn't give it to another artist who was slower. And  
11   it was always a matter of production and deadlines.

12          Q.    I'm not going to go over testimony you've  
13   given in the prior deposition, but I do have one  
14   question.

15                  To your knowledge, was anything in The  
16   Fantastic Four based on a previous work by Kirby called  
17   "Challenges of the Unknown"?

18          A.    No. I had never -- to this day I've never  
19   read "Challenges of the Unknown," and I really know  
20   nothing about it, except that there is or was a book of  
21   that title.

22          Q.    And to your knowledge, was the idea for  
23   Spider-Man something that Kirby brought to you based on  
24   his previous work on something called "The Fly"?

25          A.    No.

1 Q. Now, when you -- when you were serving as an  
2 editor at Marvel, in the period 1958 to 1963, you were  
3 paid a salary as an editor?

4 A. Yes.

5 Q. And how were you paid for your work as a  
6 writer on the comics?

7 A. I was paid on a freelance basis, like any  
8 freelance writer.

9 Q. And does that mean you were paid by the page?

10 A. Yes.

11 Q. And was it your belief that because Marvel had  
12 bought that work from you, that they owned all right,  
13 title and interest in the work?

14 A. Yes, I did believe that.

15 MR. TOBEROFF: I'm done.

16 MR. QUINN: Okay. I have nothing further.

17 MR. LIEBERMAN: You may leave, Mr. Lee.

18 THE COURT REPORTER: No stipulation, then?  
19 It's Code?

20 MR. TOBEROFF: In California, we do a  
21 stipulation.

22 MR. LIEBERMAN: Mr. Lee, leave. We're  
23 finished.

24 MR. FLEISHCHER: Why don't we go off the  
25 record, Marc, and tell us what stipulation you want to